

# **EXHIBIT B**

Transcript of Atif Khalil  
Conducted on March 27, 2018

1 (1 to 4)

<p>1 IN THE UNITED STATES DISTRICT COURT FOR THE 2 EASTERN DISTRICT OF VIRGINIA 3 ALEXANDRIA DIVISION</p> <p>4 UNITED STATES EQUAL : 5 EMPLOYMENT OPPORTUNITY : 6 COMMISSION, 7 Plaintiff, : Case No. 17-cv-01084 8 v. : 9 CAMBER CORPORATION, 10 Defendant. : 11</p> <p>12 - - - - - x</p> <p>13</p> <p>14 Oral Deposition of ATIF KHALIL 15 Tysons Corner, Virginia 16 Tuesday, March 27, 2018 17 9:27 a.m. 18</p> <p>19 Job No.: 179322 20 Pages: 1 - 174 21 Reported By: Rebecca Stonestreet</p>	
<p>1 APPEARANCES 2 3 ON BEHALF OF PLAINTIFF: 4 JEFFREY A. STERN, ESQUIRE 5 U.S. EQUAL EMPLOYMENT 6 OPPORTUNITY COMMISSION 7 Cleveland Field Office 8 AJC Building 9 1248 East Ninth Street 10 Suite 3001 11 Cleveland, Ohio 44199 12 (216) 522-7458 13</p> <p>14 ON BEHALF OF DEFENDANT: 15 ROBERT L. (BOB) ORTBALS, JR., ESQUIRE 16 CONSTANCY, BROOKS, SMITH &amp; PROPHETE, LLP 17 7733 Forsyth Boulevard 18 Suite 1325 19 St. Louis, Missouri 63105 20 (314) 925-7276 21</p> <p>22</p>	

<p>1 Oral Deposition of ATIF KHALIL, held at 2 the offices of:</p> <p>3</p> <p>4 PLANET DEPOS ~ TYSONS CORNER 5 8270 Greensboro Drive 6 Suite 118 7 Tysons Corner, Virginia 22102 8 (888) 433-3767</p> <p>9</p> <p>10 Pursuant to notice, before 11 Rebecca Stonestreet, Notary Public in and for the 12 Commonwealth of Virginia.</p> <p>13</p> <p>14</p>		<p>1 CONTENTS 2 3 EXAMINATION OF ATIF KHALIL PAGE 4 By Mr. Stern 7</p> <p>5</p> <p>6 EXHIBITS 7 (Attached to transcript.)</p> <p>8</p> <p>9 KHALIL DEPOSITION EXHIBITS PAGE 10 Exhibit 1 Ashok Pai Chain of Command 25 11 Exhibit 2 Document Bates labeled 12 CAMBER 000099 38 13 Exhibit 3 E-mail dated 9/8/14 from 14 Ashok Pai to Atif Khalil 52 15 Exhibit 4 E-mail dated 9/8/14 from 16 Ashok Pai to Atif Khalil 58 17 Exhibit 5 E-mail string 65 18 Exhibit 6 E-mail dated 9/9/14 19 with attachment 69 20 Exhibit 7 E-mail dated 9/16/14 21 with attachment 77 22 Exhibit 8 E-mail string 84</p>
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## Transcript of Atif Khalil

5 (17 to 20)

Conducted on March 27, 2018

	17		19
1 documents, and then there was this lawsuit		1 Avia?	
2 document or some legal document.		2 A No.	
3 Q Anything else?		3 Q How did you get the position with Avia?	
4 A So e-mails and the lawsuit document. I		4 A So I was working for Avia for supporting	
5 don't recall anything else.		5 another contract program for the Postal Service,	
6 Q And then you and Bob talked after that?		6 and this opportunity came up and I transferred to	
7 A Correct.		7 this opportunity.	
8 Q When was that?		8 Q And this opportunity was working for Avia	
9 A So we talked a couple of times. The last		9 on a project at the Department of Justice?	
10 conversation was last week.		10 A Correct. So I was already an Avia	
11 Q What did you say in these conversations?		11 employee supporting -- managing some	
12 A We discussed the details, the e-mails,		12 Postal Service contracts, so I moved to the	
13 and, you know, kind of trying to -- since it's		13 Department of Justice.	
14 been four years or almost four years, trying to		14 Q And the unit of the Department of Justice	
15 recall the events that occurred.		15 was the Executive Office of Immigration Review?	
16 Q Did your recall of the events that		16 A Correct.	
17 occurred, did that recall improve as a result of		17 Q That's in Falls Church. Is that --	
18 that conversation?		18 A Correct.	
19 A I believe so.		19 Q So if then throughout today's deposition I	
20 Q The e-mails that you just referenced,		20 sometimes refer to EOIR, you understand that's	
21 those were e-mails that you had seen while you		21 EOIR?	
22 were working at Camber?		22 A Okay.	
	18		20
1 A That's correct.		1 Q Have you heard that expression before,	
2 Q Have there been any documents that you		2 calling it EOIR?	
3 referred to, other than the e-mails, that were		3 A No, we always called it E-O-I-R.	
4 after you left Camber?		4 Q But you understand if I say EOIR, it's	
5 A No. Other than the legal -- the lawsuit		5 E-O-I-R?	
6 document - I'm not sure if that's what it's		6 A Okay.	
7 called - I don't think I saw anything else.		7 Q Now, you mentioned with the Postal	
8 Q Had you seen the lawsuit document before?		8 Service, it was to support a project that they	
9 A No. I had seen some EEOC letter. I don't		9 had?	
10 think I saw this detailed document before.		10 A Correct.	
11 Q When did you leave Camber?		11 Q What was the project at EOIR that you were	
12 A January 2017.		12 working on on behalf of Avia when you started on	
13 Q And you had already obtained your current		13 that project?	
14 employment?		14 A So it was a software development project	
15 A Yes. So I turned in a two-weeks' notice.		15 building case management solutions for immigration	
16 Q And you started with Camber in March 2014,		16 courts that were managed by EOIR.	
17 with Camber?		17 Q And approximately how many Avia employees	
18 A Oh, March 2014 with Camber; prior, Avia.		18 were working under your responsibility on that	
19 Q And previously you had worked on the same		19 project?	
20 project at the same facility under Avia?		20 A So our team was -- the size fluctuated.	
21 A That's correct.		21 50 to 60, somewhere in there. Not all of them	
22 Q And had you worked on that project before		22 were my direct reports. We had a hierarchy. But	

## Transcript of Atif Khalil

6 (21 to 24)

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1 total team size on the program was 50 to 60.  
 2 Q And in March 2014, the ownership changed  
 3 from Avia to?

4 A Camber.

5 Q Camber. Still supporting the same project  
 6 at EOIR?

7 A Correct.

8 Q You mentioned some of the team members  
 9 were direct reports and some were not?

10 A Correct.

11 Q Were they all Avia or Camber employees  
 12 you're referring to, or --

13 A So we had some subcontractors.

14 Q What's the difference between Avia or  
 15 Camber employees and the "some subcontractors"?

16 A So we were all part of the same team.  
 17 Avia employees were W-2, full-time, regular  
 18 employees, and then we had subcontractors that  
 19 were part of our team that didn't have a direct  
 20 contract with EOIR, but came through the Avia  
 21 contract.

22 Q So you had contractors, but these were

1 contractors that worked for -- that weren't paid  
 2 by Avia or Camber, but they worked on the same  
 3 project. Is that --

4 A So we had -- so we hired employees. We  
 5 had some relationships with staffing agencies,  
 6 companies that did like a temp to perm, so they  
 7 would find us candidates that would work for --  
 8 you know, join our team, work on our project, but  
 9 they would be the staffing firm's employee. If I  
 10 recall correctly, they were like six month temp to  
 11 perm. So for the first six months they were their  
 12 employee, and then they would convert to Avia or  
 13 Camber employees.

14 Q Did the staffing firms that you just  
 15 discussed, did they provide you - and by "you," I  
 16 mean Avia or Camber on the EOIR project -  
 17 candidates just for these contract or temp to  
 18 perm, or did they also provide candidates for  
 19 hire; as you described, W-2 employment?

20 A Some may have provided candidates for  
 21 hire. Some candidates didn't want to go through  
 22 that process of being a temp to perm, so we would

21 1 hire them directly. So it was kind of a mix.

22 Q Compare and contrast the role of a Camber  
 23 recruiter compared to these staffing agencies that  
 24 you just discussed. How were they alike and how  
 25 were they different?

6 A They did the same job, it's just -- you  
 7 know, they all reach out to potential candidates,  
 8 engage, and then identify and present them to us.  
 9 Pretty much the same job.

10 Q Now, what role, if any, did you have in  
 11 getting either a staffing agency or a recruiter  
 12 involved when you had a need for staff, whether  
 13 W-2 employees or these subcontractors? What was  
 14 your role in getting the recruiter or the staffing  
 15 agencies involved?

16 A So I would, you know, initiate the job  
 17 requirements, and if I recall correctly, our  
 18 process was to prefer letting our internal  
 19 recruiters identify employees. So we always did  
 20 that first, and then if that didn't get us the  
 21 results, didn't get us the candidate that we were  
 22 looking for, then we would kind of expand our

22 24 1 search by reaching out to some of these staffing  
 2 agencies.

3 Q And how would you become informed that the  
 4 internal recruiter efforts were not working out  
 5 and that there was a need to go to a staffing  
 6 agency? How would you learn that?

7 A Timing. So I would send them requirements  
 8 and wait, you know, a day, two days, a week,  
 9 two weeks. And likely we would get some  
 10 candidates that we would screen, and if we felt  
 11 like we weren't finding the right candidate that  
 12 met the requirements, then we would expand the  
 13 search and reach out to other -- these agencies.

14 Q What did you call the position that you  
 15 had on the EOIR project?

16 A Program manager.

17 Q And what positions were immediately under  
 18 you on that project?

19 A Project managers, software development  
 20 manager, quality assurance manager, operations  
 21 manager.

22 Q Those managers would report to you

## Transcript of Atif Khalil

7 (25 to 28)

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	25		27
1 I directly?		1 Q Let's return to the first part of this,	
2 <b>A Correct.</b>		2 the top that we were discussing. And it says,	
3 MR. STERN: I'm going to be handing to the		3 under "Chain of Command" there, "through Pai's	
4 court reporter to label document Pai 000517. I		4 employment to October 31st, 2014." That's when	
5 guess we'll call this Khalil Deposition Exhibit 1.		5 Mr. Pai's employment with Camber ended?	
6 A copy to counsel.		6 <b>A Correct.</b>	
7 (KHALIL Exhibit 1 was marked for		7 Q The first name at the top of that	
8 identification and attached to the transcript.)		8 immediately following list is Michael Paige,	
9 Q Mr. Khalil, have you looked at the		9 Senior VP. Who is Michael Paige?	
10 document labeled Exhibit 1 to your deposition?		10 <b>A Our senior vice president.</b>	
11 Let me know when you're done reading and then		11 Q And the "our," you mean Camber?	
12 we'll talk about it briefly.		12 <b>A Avia and Camber.</b>	
13 <b>A Okay.</b>		13 Q And the name immediately under Mr. Paige	
14 Q Have you ever seen document Exhibit 1 to		14 is?	
15 your deposition before this morning?		15 <b>A So I can't recall if Michael Paige came to</b>	
16 <b>A No.</b>		16 Camber, but he was definitely there for Avia. I	
17 Q Let's start at the top of it, "Ashok Pai		17 can't recall if he -- because he did transition	
18 Chain of Command." Who was or is Ashok Pai?		18 out at some point. I can't recall if he	
19 <b>A I don't know how to answer that.</b>		19 transitioned out when Camber acquired or sometime	
20 Q Let's start it this way. When is the		20 after that.	
21 first time you met Mr. Pai?		21 Q And under his name, again at the top of	
22 <b>A During the interview process, when he came</b>	26	22 this exhibit, is Adesh Jain, VP?	
1 to us as a candidate.			28
2 Q The "us," meaning Avia?		1 <b>A Correct.</b>	
3 <b>A Yes.</b>		2 Q That's the same Adesh that we discussed	
4 Q You were there at the interview?		3 before?	
5 <b>A I don't recall exactly.</b>		4 <b>A Correct.</b>	
6 Q Do you recall if there was an interview		5 Q And you are listed as center director	
7 board of multiple people of which you were one?		6 underneath Mr. Jain?	
8 <b>A So we typically did group interviews. So</b>		7 <b>A Except my first name is spelled</b>	
9 <b>we had a lot of candidates come through, and I was</b>		8 <b>incorrectly, A-T-I-F instead of L.</b>	
10 <b>part of most of the interviews.</b>		9 Q Oh, on the document it says A-T-I-L --	
11 Q Sitting here today, do you have any reason		10 <b>A Correct.</b>	
12 to doubt that you interviewed Mr. Pai?		11 Q -- and not A-T-I-F. I understand.	
13 <b>A No.</b>		12 Q You were the center director?	
14 Q And what was the outcome of Mr. Pai's		13 <b>A Yes, my title was center director, but my</b>	
15 application and the interview?		14 <b>function on the EOIR program was program director.</b>	
16 <b>A He succeeded, so that must have been why</b>		15 Q In your mind, is there any difference in	
17 <b>we hired him.</b>		16 your work as center director or program manager?	
18 Q And Mr. Pai continued to work on the EOIR		17 <b>A No.</b>	
19 project under Avia, and continued, starting		18 Q And then who is listed right under you?	
20 March 2014, when Camber became the owner on that		19 <b>A Sudhakar Nallamothu.</b>	
21 project?		20 Q And was his title or job at that time -	
22 <b>A Correct.</b>		21 meaning through October 31st, 2014, we're still	
		22 talking the top of the exhibit - technical project	

## Transcript of Atif Khalil

11 (41 to 44)

Conducted on March 27, 2018

	41		43
1 document was represented as persons who did so, 2 but you would know.		1 employees that you don't recall other than those 2 two?	
3 <b>A Sure. So just go down the list in the 4 second column?</b>		3 <b>A So Daniel Kovarik, like towards – the 4 sixth or so from the bottom. I think I recognize 5 everybody else. And it's quite possible that I 6 know them, I've just forgotten their names.</b>	
5 Q Yes. Are any of those people on that list 6 unknown to you, didn't work at EOIR?		7 Q Understood. A couple of columns to the 8 right of the "Supervisor" column is a column, 9 header "Type," populated, it looks like, by Rs and 10 a couple of Ps. Do you know what R and P mean?	
7 <b>A So I do recognize most names. A couple of 8 names that I can't recall.</b>		11 <b>A No.</b>	
9 Q What's the first one you don't recall?		12 Q Now, Mr. Pai that we have been discussing 13 is towards the top here. It looks like, what, 14 about ten names down, nine or ten?	
10 <b>A Sergey Goryestov.</b>		15 <b>A Uh-huh.</b>	
11 Q Okay. That's towards the bottom there, 12 left-hand column, employee number 8421?		16 Q Yes?	
13 <b>A Yeah. And it's likely – it's quite 14 possible that I just forgot. And the only other 15 name I think is the second to the last, Kelly 16 Steigerwald. It's quite possible that I just 17 forgot their name, forgot them; they weren't there 18 for too long or something.</b>		17 <b>A Yes.</b>	
19 Q Is there anyone that you recall being on 20 the project whose name is not on this list, the 21 backside of that one?		18 Q Employee ID 8197 on the left side?	
22 <b>A I couldn't tell you off the top of my</b>		19 <b>A Uh-huh. Yes.</b>	
1 head.	42	20 Q Surname Pai, Ashok K.?	
2 Q Is there anything on this document, this 3 exhibit, that informs whether any of these 4 individuals are W-2 employees or the 5 subcontractors you had described generally?		21 <b>A Correct.</b>	
6 <b>A Not that I can think of.</b>		22 Q His hire date is listed 3/31/14, yes?	
7 Q Let's try it this way. Is there any name 8 example - you don't even have to look at the chart 9 on this one - of a subcontractor employee that you 10 had generally mentioned earlier?			44
11 <b>A I would have to go back and look at my – 12 you know, the org chart or something to...I can't 13 recall a specific name. There were so many people 14 over so many years.</b>		1 <b>A Yes.</b>	
15 Q The column to the right of the second 16 salary column towards the middle there, there's 17 something called GLC. Do you know what that is?		2 Q And that was the effective date of 3 Camber's acquiring this project?	
18 <b>A Labor category. I don't readily recognize 19 the information there.</b>		4 <b>A Correct. Correct.</b>	
20 Q Other than Sergey Goryestov and 21 Kelly Steigerwald that you had mentioned you 22 didn't recall, is there anything on the list, any		5 Q Term date, two columns over, October 31st, 6 2014.	
		7 <b>A Correct.</b>	
		8 Q Correct?	
		9 And the supervisor column, 10 Paige/Jain/Khalil/Nallamo, and it's the same as 11 what he had on the top of Exhibit 1?	
		12 <b>A Correct.</b>	
		13 Q Gender, male. M for male?	
		14 <b>A Correct.</b>	
		15 Q R, you don't know what the type is?	
		16 <b>A No.</b>	
		17 Q And the description column, it says 18 "Software/Systems Architect." Do you agree or 19 disagree that that's a description of what Mr. Pai 20 was doing?	
		21 <b>A Agree.</b>	
		22 Q A few columns over, populated by numbers	

## Transcript of Atif Khalil

12 (45 to 48)

Conducted on March 27, 2018

<p>1 with a dollar sign in front of it, first column      2 says "Salary at Hire," next column says "Current      3 Salary." Do you agree that \$170,019.20 was salary      4 at hire for Mr. Pai?</p> <p><b>5 A Agree.</b></p> <p>6 Q And the same salary was his figure out the      7 door on his last day?</p> <p><b>8 A Agree.</b></p> <p>9 Q Was there any employee under your program      10 management or directorship -- that covers Avia and      11 Camber on this project. Was there anyone whose      12 salary at hire was more than 170,000?</p> <p><b>13 A Not -- I don't recall everybody's salaries      14 off the top of my head.</b></p> <p>15 Q Did you have any discussions with Mr. Pai,      16 including a remark by you, the gist of which that      17 he was making more than you?</p> <p><b>18 A I don't recall.</b></p> <p>19 Q Ever tell anyone that Mr. Pai was making      20 more than you?</p> <p><b>21 A Not that I recall. I usually don't      22 discuss people's salaries.</b></p>	<p>45</p> <p>1 have concerning Mr. Pai's hire?</p> <p><b>2 A General practice.</b></p> <p>3 Q Sitting here today, do you have any reason      4 to doubt whether you did or didn't follow your      5 general practice in connection with Mr. Pai's hire      6 at 170,000?</p> <p><b>7 A No.</b></p> <p>8 Q Any discussion, whether face to face, on      9 the telephone, e-mail, voicemail, messaging,      10 video, any communication at all with Mr. Jain      11 regarding Mr. Pai's compensation, either at time      12 of hire or thereafter?</p> <p><b>13 A Time of hire, as I said, I must have      14 discussed and gotten his approval agreement that      15 he wanted to hire Mr. Pai. I don't recall -- once      16 we made the decision and moved forward, I don't      17 recall having it come up specifically later on.</b></p> <p>18 Q What about generally later on? You said      19 you didn't recall specifically. What about      20 generally?</p> <p><b>21 A So we went through, you know, annual      22 reviews, so we may have reviewed it. I can't</b></p>	<p>47</p>
<p>1 Q You were Avia's top official, center      2 director or program manager, on this project for      3 Avia. Right?</p> <p><b>4 A Correct.</b></p> <p>5 Q Did you make the decision to hire Mr. Pai?</p> <p><b>6 A That's correct.</b></p> <p>7 Q How was the decision to hire him at the      8 170,000 figure, how was that made?</p> <p><b>9 A Just part of our routine process. We      10 screen, interview, identify the candidate as a      11 good fit, and we discuss salary, and basically      12 receive some paperwork and hire the candidate.</b></p> <p>13 Q Was there anyone above you as center      14 director/program manager on the EOIR project with      15 whom you discussed how much to offer Mr. Pai?</p> <p><b>16 A So my routine process was to present      17 profitability and share some numbers with Adesh,      18 and he would approve and we would move forward.      19 But we basically did the right thing for the      20 program to succeed.</b></p> <p>21 Q That was general practice that you just      22 told me about, or is that a recollection that you</p>	<p>46</p> <p>1 recall how many annual reviews he went through.</p> <p><b>2 Things along those lines.</b></p> <p>3 Q "He," Mr. Pai?</p> <p><b>4 A Mr. Pai.</b></p> <p>5 Q Reviews of Mr. Pai?</p> <p><b>6 A Correct.</b></p> <p>7 Q What was Mr. Jain's participation in      8 annual reviews of your subordinate team members?</p> <p><b>9 A So he was the approving authority, so he      10 had a much larger group that he oversaw. And so I      11 would manage, you know, my team's reviews, and we      12 usually would have some guidelines in terms of      13 salary revisions, and I would work on them within      14 those guidelines and present them to Adesh.</b></p> <p>15 Q How did you present those to Adesh?</p> <p><b>16 A Mostly via spreadsheets, via e-mail.</b></p> <p>17 Q And you had previously mentioned for      18 setting of the hire-at figure, as a general      19 matter, a review of profitability?</p> <p><b>20 A Uh-huh.</b></p> <p>21 Q Yes?</p> <p><b>22 A Yes.</b></p>	<p>48</p>

## Transcript of Atif Khalil

13 (49 to 52)

Conducted on March 27, 2018

	49		51
1    Q	That considered what the bill rate would	1    A	Correct.
2 be to the customer?		2    Q	Okay. Who all involved?
3    A	Correct.	3    A	My direct stakeholder was Adesh, and
4    Q	Yes?	4	assume he rolled it up and presented it to his
5       And compared that to what, among other	5	management. But nothing directly. I didn't have	
6 things, the pay rate to the employee?	6	another stakeholder that I directly discussed or	
7    A	Correct.	7	had to answer to.
8    Q	Were there other things that went into	8    Q	During Mr. Pai's tenure with Camber, did
9 that comparison other than the bill rate to the	9	you receive any feedback on profitability of the	
10 customer and the pay rate to the employee? What	10	center you were directing? And that's a very	
11 else went into profitability?	11	broad question. I understand it could be good	
12    A	The overall program profitability.	12	work, very good profitability, or let's improve
13    Q	Other than these annual review	13	this, or too much cost.
14 spreadsheets that you discussed, any other type of	14	14    A	No. So my recollection was it was always
15 document -- and that's a broad question. It could	15	within the acceptable threshold, and I don't	
16 be something printed, it might be an XLS	16	recall any event where somebody said, "Great job,	
17 spreadsheet or some other form of spreadsheet.	17	here's a bonus for you;" or somebody said, "Hey,	
18 Other than the one for the annual review, was	18	you're not meeting the minimum, do something about	
19 profitability regarding Mr. Pai's work reported or	19	it." Nothing along those lines. I recall within	
20 discussed with Mr. Jain by you, other than these	20	that period it was within range, so that wasn't a	
21 annual review spreadsheets?	21	focus.	
22    A	So no. And so the annual reviews didn't	22    MR. STERN:	Unless there's an objection, I
1 focus so much on the profitability, because we	50	1	would like to take about ten minutes now. Does
2 focused on that at the time of hire. And then we		2	that work for everyone?
3 tracked the overall program profitability in our		3	MR. ORTBALS: Sounds great.
4 management reporting at the program level, not at		4	(Recess taken at 10:40 a.m.)
5 the individual level, and that was about it.		5	Q Mr. Khalil, I'll remind you you're still
6       But during the subsequent annual reviews,		6	under the affirmation of perjury that you accepted
7 we didn't look at each individual employee and		7	at the beginning of the deposition.
8 their profitability. That was only done at the		8    A	Okay.
9 time of hire.		9    Q	That doesn't stop when there's a break.
10    Q	Any communication after Mr. Pai's hire	10    A	Okay.
11 regarding his compensation or profitability for		11    Q	It picks right up.
12 his position up through October 31st, 2014?		12    MR. STERN:	All right. We're going to
13    A	Not that I recall. And I just didn't	13	talk about some e-mails next. So the first one
14 focus on that granular level. My focus was mainly		14	I'll hand the reporter to mark, I guess this will
15 to run a successful program for the client.		15	be 3, is EEOC document 21.
16    Q	Other than you and Mr. Jain, who else at	16	The record can reflect I'm handing one to
17 Camber would have participated in the		17	counsel.
18 program-level profitability assessment after		18	(KHALIL Exhibit 3 was marked for
19 Mr. Pai's hire through October 31st, 2014? Who		19	identification and attached to the transcript.)
20 were all the players in the profitability that you		20    Q	Let me know when you've read it and we'll
21 mentioned is programmatic level, not the granular		21	talk about this.
22 level?		22    A	Okay.

## Transcript of Atif Khalil

14 (53 to 56)

Conducted on March 27, 2018

	53		55
1    Q Exhibit 3 to your deposition is an e-mail		1    about his son's condition, when we were discussing	
2    from Ashok Pai at EOIR to you, Monday,		2    his transfer out of the EOIR program.	
3    September 8th, 2014, 9:33 a.m.; Subject:		3    Q Now, you characterized that. You said	
4    Exploring transfer possibilities.		4    discussing his going out of the program?	
5 <b>A Okay.</b>		5 <b>A Transferring out of the program.</b>	
6    Q Is this one of the e-mails that you		6    Q Does the first sentence in this exhibit,	
7    reviewed recently?		7    immediately following, "Hi Atif, came over a	
8 <b>A I believe so, yeah.</b>		8    couple of times to explore possibility of	
9    Q Your office at EOIR was at the same		9    transferring within Camber," does that mention the	
10 facility that Mr. Pai was working?		10 program at all?	
11 <b>A Yes.</b>		11 <b>A No. So that is my assumption, that</b>	
12 Q Same floor?		12 <b>program was local to that location, so there was</b>	
13 <b>A Yep.</b>		13 <b>no transfer possibilities within Camber and within</b>	
14 Q He wrote he came over a couple of times to		14 <b>the program. It would have to be out of the</b>	
15 your office that morning. That's September 8th,		15 <b>program.</b>	
16 yes?		16 Q But that's not what Mr. Pai wrote in that	
17 <b>A Yes.</b>		17 sentence of this exhibit to your deposition.	
18 Q He writes next: "My son's hospitalization		18 <b>A Okay.</b>	
19 has emphasized the need for me to be nearer to my		19 Q Did -- let me take a look at Exhibit 1	
20 family, and although it's not urgent, I need to		20 here.	
21 plan for it."		21 Did Sudhakar ever indicate to you that he	
22 Yes?		22 had received a phone call from Mr. Pai where his	
	54		56
1 <b>A Yes.</b>		1    son's condition was mentioned?	
2    Q Was your reading of this e-mail on the		2 <b>A Not that I recall.</b>	
3    morning of September 8th, was that the first time		3    Q Did you ever receive a phone call from	
4    you had learned about Ashok Pai's son's		4    Mr. Pai about his -- where he mentioned his son's	
5    hospitalization?		5    hospitalization?	
6 <b>A So I can't recall exactly, but I know that</b>		6 <b>A I can't recall.</b>	
7 <b>it was right around that time. Shortly before</b>		7    Q Did anyone on your project share with you	
8 <b>this e-mail, I had not known his son's condition</b>		8    that they had received a phone call from Mr. Pai	
9 <b>for a long time.</b>		9    about his son's hospitalization?	
10   Q You just told me you hadn't known about		10 <b>A So we had a large team, lots of</b>	
11 the son's condition, and then you mentioned "for a		11 <b>conversations happening. I cannot recall</b>	
12 long time." Was there some earlier time before		12 <b>specifically.</b>	
13 September 8th when you had learned about his son's		13   Q What about in general?	
14 condition?		14 <b>A I mean, you know, we had people calling in</b>	
15   A So my recollection is that when he talked		15 <b>sick, or, you know, requesting scheduled leave,</b>	
16 about transfer was the first time he told me about		16 <b>unscheduled leave. It's just a lot of -- I just</b>	
17 his son's condition. So he may have -- the way		17 <b>don't recall the specific...</b>	
18 this e-mail reads, you know, I kind of read that		18   Q Returning back to this exhibit, the e-mail	
19 maybe I had known about his son's -- he may have		19 of September 8th at 9:33 a.m. to you, Mr. Pai goes	
20 mentioned his son's hospitalization to me, but not		20 on to discuss his taking courses in areas of	
21 the details. My recollection is that when I met		21 information security, completing two	
22 with him face to face is when I first learned		22 certifications. That's the third paragraph. Next	

## Transcript of Atif Khalil

15 (57 to 60)

Conducted on March 27, 2018

<p>1 he narrates he tried before hard to find jobs in 2 security.</p> <p>3 Towards the bottom, he narrates, "Times 4 have changed. There's a huge emphasis in cyber 5 security." He mentions the CEO, John Lord -- that 6 was the CEO of Camber at the time. Correct?</p> <p>7 <b>A Yes.</b></p> <p>8 Q -- came here in March.</p> <p>9 Did you attend any conference, meeting, 10 speech by Mr. Lord where he made major points of a 11 new proposal in cyber security at that time?</p> <p>12 <b>A I must have attended, but I don't recall 13 that being the focus of that talk.</b></p> <p>14 Q Mr. Pai's e-mail in this exhibit ends: So 15 I want to explore the possibility of supporting 16 cyber security proposals for Camber and being able 17 to reunite with his family. Yes?</p> <p>18 <b>A Yes.</b></p> <p>19 Q Now, what steps, if any, did you take to 20 explore possibilities of Mr. Pai supporting cyber 21 security proposals for Camber?</p> <p>22 <b>A I could not take any steps. This was not</b></p>	<p>57</p> <p>1 <b>A Yes.</b></p> <p>2 Q Exhibit 4 to your deposition is an e-mail 3 to you from Ashok, also on Monday, September 8th, 4 10:32 a.m. Correct?</p> <p>5 <b>A Correct.</b></p> <p>6 Q And it has the same salutation, "Hi Atif," 7 as the earlier e-mail, and the text says, "as 8 discussed."</p> <p>9 So fair to say that this is an e-mail 10 following your discussion with Mr. Pai that 11 morning that you just told me about?</p> <p>12 <b>A Correct.</b></p> <p>13 Q Now, the subject of the e-mail in 14 Exhibit 4 to your deposition is listed "Transition 15 Request." Yes?</p> <p>16 <b>A Yes.</b></p> <p>17 Q And the subject in Exhibit 3 to your 18 deposition, Mr. Pai's earlier e-mail to you - 19 59 minutes earlier - the subject was "Exploring 20 Transfer Possibilities." Correct?</p> <p>21 <b>A Correct.</b></p> <p>22 Q Did you discuss with Mr. Pai use of the</p>
<p>58</p> <p>1 <b>within my purview to take any steps or offer him 2 any opportunities along these lines.</b></p> <p>3 Q After you read this e-mail when you 4 received it on September 8th, what did you do?</p> <p>5 <b>A So my recollection is that we had a 6 conversation. I don't know if I read the e-mail 7 before -- he must have caught me. We were in a 8 busy environment, meetings.</b></p> <p>9 Q Conversation with Mr. Pai?</p> <p>10 <b>A Correct.</b></p> <p>11 Q That same morning?</p> <p>12 <b>A Yes.</b></p> <p>13 MR. STERN: The next e-mail should be 14 labeled, I guess, Exhibit 4.</p> <p>15 (KHALIL Exhibit 4 was marked for 16 identification and attached to the transcript.)</p> <p>17 MR. STERN: Copy to counsel of EEOC 23.</p> <p>18 Q You've finished reading this exhibit, yes?</p> <p>19 <b>A Uh-huh. Yes.</b></p> <p>20 Q Was Exhibit 4 to your deposition one of 21 the e-mails you reviewed that have been provided 22 to you by Bob?</p>	<p>58</p> <p>1 word or phrase "transition request" in an e-mail 2 to follow your meeting?</p> <p>3 <b>A Not that I recall specifically.</b></p> <p>4 Q What about generally?</p> <p>5 <b>A Okay.</b></p> <p>6 Q Okay. Is that an affirmative answer, a 7 yes answer?</p> <p>8 <b>A Can you repeat the question, please?</b></p> <p>9 Q Yes. Did you discuss in the meeting with 10 Mr. Pai following his first e-mail, Exhibit 3 to 11 your deposition, inclusion of the word or the 12 phrase "transition request" in a following e-mail, 13 Exhibit 4 to your deposition?</p> <p>14 <b>A I don't recall.</b></p> <p>15 Q In that meeting preceding Exhibit 4 to 16 your deposition, and following Exhibit 3 to your 17 deposition, did you discuss with Mr. Pai that he 18 needed to submit to you another e-mail?</p> <p>19 <b>A Yes. So my recollection is that I 20 requested a date.</b></p> <p>21 Q A date?</p> <p>22 <b>A Correct.</b></p>

Transcript of Atif Khalil  
Conducted on March 27, 2018

16 (61 to 64)

1 Q Is there any other specific that you  
2 requested from Mr. Pai in the meeting for a  
3 following e-mail?  
4 A No. So my recollection is that he had  
5 made up his mind to leave the EOIR program, and my  
6 action at that point was to notify the client.  
7 And I could not go to the client without a  
8 specific date, so I could not go to them and say,  
9 you know, Ashok may be leaving in a week or a  
10 year.

11 I requested for him to think about it and  
12 propose a date. So that is something that I  
13 recall so that I could go to the client and say:  
14 Here's our plan; Ashok will be leaving by that  
15 date and here's our backfill plan.

16 Q Did you tell Mr. Pai, in substance, that  
17 his follow-up e-mail with a date needed to  
18 reference a planned relocation to the D.C. metro  
19 area?

20 A No.

21 And I was kind of surprised by reading  
22 that now. My recollection is that he was not

62 1 planning to relocate to the D.C. metro area. His  
2 home was in California.

3 Q Before your expression of surprise upon  
4 reading that in Exhibit 4 to your deposition, had  
5 there been any discussion about Mr. Pai relocating  
6 to the D.C. metro area?

7 A Not that I recall. My recollection is  
8 that he was commuting back and forth, but his home  
9 was in California, his family was in California.

10 Q During your meeting between these two  
11 e-mails, when you meet with Mr. Pai, did you, in  
12 substance, tell him to indicate October 31st,  
13 2014, as the date?

14 A I don't recall a specific date, but I do  
15 recall that I asked him to -- that I would need a  
16 date to follow up with his request.

17 Q And the meaning of "follow up with his  
18 request," what follow up?

19 A With the client.

20 Q EOIR?

21 A Correct.

22 Q Mr. Myatt?

63 1 A Howard Myatt was our COTR.  
2 Q Contracting officer technical  
3 representative?  
4 A Correct.  
5 Q Did you have any discussion - again,  
6 that's a broad question that includes  
7 face to face, telephone, typewritten in an e-mail,  
8 text messaging, faxing, video conference, any way  
9 of communicating - with anyone at Camber between  
10 the time of your receipt of Exhibit 3 to your  
11 deposition - that's the 9:33 a.m. e-mail from  
12 Mr. Pai, came over a couple of times to your  
13 office - and your receipt of Exhibit 4 to your  
14 deposition, Mr. Pai's "Hi Atif" e-mail 10:32 a.m.?  
15 So during that 59 minutes, any communication  
16 between you and anyone else at Camber about  
17 Mr. Pai?  
18 A Not that I recall. And I wouldn't until I  
19 had confirmed with him - you know, the earlier  
20 e-mail is not specific enough for me to take any  
21 action on, either with the client or with Camber.  
22 Q Did you confer with anyone at Camber

64 1 between these two e-mails about Mr. Pai?  
2 A I do not recall.  
3 Q Now, Mr. Pai ends his 2:32 [sic] a.m.  
4 e-mail to you - that's Exhibit 4 to your  
5 deposition - he's "grateful for your consideration  
6 and support during these difficult times for my  
7 family," his family.

8 And is it your testimony here that the  
9 earliest you knew of difficult times for his  
10 family was Exhibit 3 to your deposition, "My son's  
11 hospitalization emphasized the need"?

12 A I think you said 2:32 a.m. It's 10:32.

13 Q 10:32, yes.

14 A So I had known about his wife, and I  
15 recall for months prior to this, these dates, I  
16 recall that his wife was a cancer survivor and she  
17 was having some issues with her arm. And so  
18 that's what I recall, you know, and just talking  
19 to him in general as coworkers, supporting him and  
20 what he needed to do for his family.

21 My recollection is that when we actually  
22 had the face-to-face meeting in between these two

## Transcript of Atif Khalil

17 (65 to 68)

Conducted on March 27, 2018

	65		67
1 e-mails is when he shared more details with me		1 Q Correct?	
2 regarding his son's condition. I had not known		2 To which you had forwarded the Exhibit 4	
3 about that. I may have known about his son's		3 e-mail from Ashok to you?	
4 hospitalization, if he was out prior to that date,		4 A Correct.	
5 but not his condition or the details. I recall		5 Q You asked a question of Lisa in this	
6 that that's the first time he shared those details		6 e-mail string. Correct?	
7 with me. But I had known about his wife prior to		7 A Correct.	
8 that.		8 Q You recited, "He returned from California	
9 MR. STERN: The next document is a two		9 that week and has decided to move back home,	
10 page e-mail collection. I guess that will be		10 realizing he's unable to continue working on the	
11 Exhibit 5? With a copy to counsel. That's EEOC		11 East Coast."	
12 pages 25 and 26.		12 True?	
13 (KHALIL Exhibit 5 was marked for		13 A True.	
14 identification and attached to the transcript.)		14 Q "Please see his e-mail below." And you	
15 Q Had an opportunity to read Number 5 here?		15 attached it. Correct?	
16 A Yes.		16 A Correct.	
17 Q Is the e-mail string depicted in Exhibit 5		17 Q "Is this sufficient for the displacement	
18 to your deposition one of the e-mails that you		18 letter? I will move forward with creating a req	
19 reviewed previously, having received it from Bob?		19 and identify a replacement as soon as I hear back	
20 A Yes.		20 from you."	
21 Q This is an e-mail string at the top from		21 Correct?	
22 Lisa Thompson to you, with a copy to Mr. Jain.		22 A Correct.	
	66		68
1 A Yes.		1 Q You did not write to Lisa in your e-mail	
2 Q Yes?		2 to her at 11:08 a.m., depicted on the first page	
3 Who is Lisa Thompson?		3 of this exhibit, that Mr. Pai had resigned?	
4 A She was our HR representative.		4 A Correct.	
5 Q She was local?		5 Q You did not write that he had quit?	
6 A Yes. Not to the EOIR office, but to the		6 A Correct.	
7 Camber...		7 Q Lisa responded at the top: "Thanks Atif.	
8 Q Local where?		8 This is sufficient for resignation purposes and we	
9 A Fair Lakes, Fairfax.		9 will have it effective 10/31/14." If anything	
10 Q A few exits down the road?		10 changes, let her know. "Thanks."	
11 A Correct. We were at the client site. We		11 A Correct.	
12 were at the EOIR client site.		12 Q Did you have any discussion with anyone at	
13 Q So the top of this string is from		13 Camber between the time you sent your e-mail to	
14 Lisa Thompson, the local HR person, to you, copied		14 Lisa, 11:08 a.m., and the time she responded,	
15 to Mr. Jain, regarding transition request,		15 11:42 a.m., concerning Mr. Pai?	
16 Ashok Pai, Monday, September 8th - so this is the		16 A Not that I recall.	
17 same day - 11:42 a.m. Correct?		17 Q Did you have any discussion with anyone at	
18 A Correct.		18 Camber between the time you received Exhibit 4 to	
19 Q And she is responding to your e-mail right		19 your deposition, which is the bottom of this	
20 below which you sent to her at 11:08 a.m. the same		20 e-mail string from Mr. Pai, and the time you sent	
21 day?		21 it on to Lisa at 11:08 a.m.?	
22 A Correct.		22 A Not that I recall.	

Transcript of Atif Khalil  
Conducted on March 27, 2018

18 (69 to 72)

	69		71
1    Q	What did you do after receipt of Lisa's	1    A	Correct.
2 e-mail in this exhibit, "This is sufficient for		2    Q	And what is the third item? It says
3 resignation purposes"? What did you do?		3    "DOJ EOIR ORG Structure FY14 VI8 VSD."	What is a
4 <b>A Notified the client of the transition</b>		4    VSD file?	
5 plan, and moved forward, as I mentioned, creating		5    A A Visio file. It's like a graphics file.	
6 a requisition. So my goal was to satisfy the		6    Q Graphics. Got it. Understood.	
7 client requirements, and my action was to backfill		7    A Visio is a Microsoft tool just like Word	
8 the position.		8 or Excel.	
9    Q Did you confer with anyone at Camber		9    Q As a general matter, were the program	
10 before taking that to the client, as you just		10 review meetings on the EOIR project, were those --	
11 described?		11 those are weekly?	
12 <b>A Not that I recall. Not that I can tell</b>		12    A Those were weekly meetings, yes.	
13 from this e-mail exchange.		13    Q And were they set on like the same day	
14    MR. STERN: The next one will be		14 each week in time, for example, Tuesday afternoons	
15 Exhibit 6. I'll ask that you mark this as 6.		15 at 2 o'clock?	
16    (KHALIL Exhibit 6 was marked for		16    A That's correct. I don't know if they're	
17 identification and attached to the transcript.)		17 at 2 o'clock, but Tuesday afternoons, yeah.	
18    MR. STERN: Copy to counsel.		18    Q And you attended those meetings?	
19    Q Have you had an opportunity to look at the		19    A That's correct.	
20 two pages of Exhibit 6 to your deposition?		20    Q And in September 2014 Mr. Myatt attended	
21 <b>A Yes.</b>		21 those meetings?	
22    Q Was this e-mail and the PM 090914DCIO		22    A That's correct.	
	70		72
1 document following, was that one of the e-mails		1    Q Anyone else?	
2 you had reviewed?		2    A So Kate Ahn and David Fruehwald, in	
3 <b>A I don't recall, actually.</b>		3 general, attended these meetings. Some days some	
4    Q Now, you had previously testified that		4 people were out or...	
5 your next step after receiving Lisa's e-mail,		5    Q Anyone else?	
6 "Thanks Atif, this is sufficient for resignation		6    A That's it.	
7 purposes," with the effective date 10/31/14, you		7    Q Now, this particular e-mail, where you set	
8 testified the next step that you recall was taking		8 the agenda, is dated Tuesday, September 9th at	
9 it to the customer. Right?		9 1:13 p.m. Was it your practice to send the	
10 <b>A Correct.</b>		10 agendas on the same day of the meeting or the day	
11    Q Exhibit 6 to your deposition is your		11 before or two days before?	
12 e-mail of September 9th at 1:13 p.m. to the		12 <b>A Mostly the same day, depending on my</b>	
13 customer, including, as a second page, an agenda		13 schedule. Because I wanted it to be -- it's a	
14 for today's program review meeting. Correct?		14 weekly meeting. I wanted it to cover	
15 <b>A Correct.</b>		15 up-to-the-minute kind of items.	
16    Q And the agenda item is a .DOC form,		16    Q Did anyone assist you in preparing the	
17 according to the attachments list at the top of		17 DCIO document that you would attach as an agenda	
18 the first page of this exhibit?		18 before these meetings?	
19 <b>A Correct.</b>		19 <b>A No. I maintained this document.</b>	
20    Q And the other documents that are not		20    Q "This document" in this instance, the	
21 included, one was an XLS, that's a spreadsheet,		21 second page?	
22 FY14 budget?		22 <b>A The second page.</b>	

Transcript of Atif Khalil  
Conducted on March 27, 2018

19 (73 to 76)

1 Q Turning to the second page of Exhibit 6,  
2 is this a DCIO PM weekly that you prepared?

3 A Yes, that's correct.

4 Q Do you know what the reference or  
5 abbreviation DCIO stood for?

6 A Yes. It's deputy chief information  
7 officer.

8 Q And the PM?

9 A Program management weekly.

10 Q And the deputy chief information officer?

11 A Information officer.

12 Q Who was that with respect to the three  
13 recipients, Kate Ahn, Howard Myatt, and  
14 David Fruehwald? I think you said Mr. Myatt was  
15 the coder?

16 A Right. Kate Ahn was the deputy chief  
17 information officer, and she was Howard Myatt's  
18 boss.

19 Q Was the DCIO PM format or template, was  
20 that something unique to Kate Ahn, or were there  
21 other DCIOs on this project from time to time?

22 A No. It's a format that kind of evolved.

1 I must have inherited it from my predecessor. So  
2 it was a standard template week after week that I  
3 updated and used it as the agenda to review the  
4 pertinent status items on a weekly basis.

5 Q At the bottom, underneath where it says,  
6 "Confidential Business Information," it has your  
7 name - correctly spelled, I see, Atif with a  
8 terminal F there, Khalil - and then it has a date,  
9 in this instance for this particular printing is  
10 3/22/2018. The document lists the attachments  
11 list on the first page, indicates it's a .DOC  
12 document. Yes?

13 A Yes.

14 Q That's a Microsoft Word document?

15 A Correct.

16 Q The date feature in the footer of these  
17 DCIOs, that was set to automatically update upon  
18 view, and in this case printing?

19 A It appears so, yeah.

20 Q Do you have any doubt about that?

21 A No.

22 Q All right. Looking at the top of the

73

75

1 second page of this document, the DCIO, the first  
2 filled-in bullet point under the staffing topic  
3 lists resignations, plural, hyphen, Ashok Pai,  
4 10/31/14. This was your bringing Mr. Pai's  
5 transition to the attention of the customer?

6 A That's correct.

7 Q Was this document the first instance of  
8 any document that you wrote stating that, in  
9 essence, Mr. Pai resigned?

10 A I believe so.

11 So the first part, like resignations,  
12 departures, on-board, upcoming absences, were part  
13 of the standard template, and I just filled in the  
14 names week by week.

15 Q You chose to insert Ashok Pai with his  
16 parenthetical "end date" in the resignations  
17 bullet as opposed to the departures bullet?

18 A So the way it worked is when somebody was  
19 planning on leaving, they went in resignations,  
20 and when somebody left that week or the prior  
21 week, they came under departures.

22 Q And my understanding from your earlier

74

76

1 testimony, that you had testified that you needed  
2 a date from Mr. Pai because you had to take the  
3 date to the customer?

4 A That's correct.

5 Q Because why?

6 A So, you know, we were working for the  
7 client and we had, you know, a team doing software  
8 development work. We had projects, maintenance  
9 tasks. So without a date, we cannot plan. So I  
10 can't say I have a team member that may be leaving  
11 in six months. You know, that's not an actionable  
12 item.

13 So when I say "here's our plan," then I  
14 also, along the same lines, propose a backfill  
15 plan. And the on-boarding process took a couple  
16 of months because of the DOJ clearance process, so  
17 I tried to time it -- having a vacancy on the  
18 program was not a good thing because work wasn't  
19 getting done for the customer.

20 Q And then the third bullet point in the  
21 recruitment/hiring/on-boarding activities, you  
22 wrote: Ashok's backfill .NET/SP Dev. It's .NET,

Transcript of Atif Khalil  
Conducted on March 27, 2018

20 (77 to 80)

	77		79
1 the SP is SharePoint?		1 A That's correct.	
2 A Correct.		2 Q And Exhibit 7 is your e-mail Tuesday,	
3 Q Developer, is that what DEV is?		3 September 16th, 9:02 a.m. So that's a week later.	
4 A Uh-huh.		4 Correct?	
5 Q Any discussion that you had with EOIR		5 A Yes.	
6 about backfilling for Ashok Pai before you		6 Q Same three types of attachments. The	
7 e-mailed this DCIO on September 9th at 1:13 p.m.?		7 organizational structure FY14. What's the	
8 A Not that I recall. You know, I work with		8 reference V18. Is that version 18?	
9 the client very closely, on a daily basis, and		9 A Version 18.	
10 this was the next day. So I don't recall if I had		10 Q Got it.	
11 a special conversation. These personnel, as you		11 A So I updated these -- whenever I made	
12 see with many other names, this was a routine		12 significant changes, I updated.	
13 process that happened with people leaving, coming,		13 Q And VSD was the graphics thing you had	
14 et cetera.		14 mentioned, the Visio?	
15 MR. STERN: Here's the next e-mail and		15 A Yes.	
16 DCIO document. This will be Exhibit Number 7.		16 Q And the PM now is attached to Exhibit 7,	
17 (KHALIL Exhibit 7 was marked for		17 the number is 091614. And that was the date of	
18 identification and attached to the transcript.)		18 the meeting for which that was the agenda?	
19 MR. STERN: Copy to counsel.		19 A Correct.	
20 A Okay.		20 Q Also as a Microsoft Word document?	
21 Q You read both pages?		21 A Correct.	
22 A Yes.		22 Q Together with that budget, a different	
	78		80
1 Q Exhibit 7 to your deposition is your		1 version 20 as an XLS spreadsheet. Right?	
2 e-mail to Kate Ahn, Howard Myatt, David Fruehwald,		2 A Correct.	
3 copy to Deborah Curtis, parenthetical, it says for		3 Q And the program review meeting was the	
4 her EOIR CTR.		4 same day, September 16th, according to the e-mail?	
5 Who is Deborah Curtis? What does CTR		5 A That's correct.	
6 refer to?		6 Q The second page is a DCIO PM weekly for	
7 A Contractor. So all of our -- so		7 that meeting. Correct?	
8 Deborah Curtis was our executive administrator on		8 A Yes.	
9 the program, so she -- the reason I copied her is		9 Q Which you prepared?	
10 that she actually printed out these documents for		10 A Yes.	
11 us to review at the meeting.		11 Q The earlier reference to resignation of	
12 Q By "contractor," you mean a contract		12 Mr. Pai, that's no longer in the staffing	
13 worker for Camber or a contract worker direct with		13 resignations item. It says none. It's not in the	
14 EOIR?		14 departure item. Correct?	
15 A So Deborah Curtis was an employee of		15 A Correct.	
16 Camber, and we were all contracted to EOIR. I'm		16 Q There's no on-boarding that week?	
17 not sure why my e-mail doesn't say CTR. Usually		17 A Correct.	
18 the government personnel would just say EOIR and		18 Q And the reference in the recruiting,	
19 any contractor would say CTR.		19 hiring, on-board activities regarding Mr. Pai is	
20 Q So she was printing the material		20 the same .NET SharePoint developer Ashok's	
21 distributed in this, and having, what, handouts at		21 backfill, status interviewing candidates?	
22 the meeting. Is that...		22 A Correct.	

## Transcript of Atif Khalil

21 (81 to 84)

Conducted on March 27, 2018

	81		83
1    Q Do you recall if the candidates were being 2 interviewed at that time, or is this a proposal to 3 interview them in the future, or did it reflect 4 interviews already ongoing?		1 specifically.	
5    A So, in general, that was the process 6 between – you know, within that week I must have 7 created a req. Now I can't recall exactly if we 8 had candidates starting to flow in already, but in 9 general I would just tell the client that, you 10 know, we have the req open – the biggest piece 11 was opening the requisition, and now the req is 12 open, and now we are interviewing candidates. It 13 was a fluid process.		2    Q Generally, that's referring to what you 3 believe your practice was?	
14    Q And returning to the preceding exhibit 15 Number 6 there, the second page, the DCIO for the 16 September 9th meeting, the recruitment, hiring, 17 on-boarding activities, the reference to 18 .Net SP/Dev, Ashok's backfill, topic bullet point, 19 opening req?		4    A Yes.	
20    A Correct.		5    Q And no recollection of it in this 6 instance?	
21    Q That was discussed on September 9th?		7    A So one detail I do recall is that we 8 transitioned from when we hired Ashok a couple of 9 years ago; at that point the program needs were 10 more for SharePoint work, and during that two 11 years or multiple years, the requirements had 12 shifted to more .NET skill set. So that was an 13 ongoing thing, is that we were kind of reducing 14 our SharePoint skill set and increasing our .NET 15 skill set.	
22    A Correct.		16    Q You referenced "we." That's Camber. Yes?	
82		17    A And EOIR.	
1    Q Did any of the EOIR attendees at that 2 meeting say anything about what was being 3 requisitioned?		18    Q Is there any document that you received 19 from EOIR so stating?	
4    A So we probably discussed what was the 5 program need at the time, and what were the 6 high-level requirements.		20    A Not that I recall. I think we likely had 21 the statement of work that listed all of these 22 requirements, and as we had conversations and	
7    Q You say "probably." You don't recall?		84	
8    A I don't recall the specifics, but that's 9 what we usually did.		1    meetings with them, we kind of fine-tuned what the 2 needs were and how they were evolving.	
10    Q Did you share a proposed requisition 11 document with EOIR before utilizing it?		3    Q Now, the statement of work, the SOW, that 4 was issued to Avia when the contract had been in 5 place originally. Correct?	
12    A I don't think so. I don't recall sharing 13 specific requisition documents with the 14 government. I discussed verbally, you know, what 15 their expectations were, and followed through. I 16 mean, that was our job, to gather their 17 requirements and execute on them.		6    A That's correct.	
18    Q You have no recollection of gathering 19 EOIR's requirements for that requisition.		7    Q To your knowledge, was the SOW ever 8 changed?	
20    Correct?		9    A It was a couple of times.	
21    A So in general, we understood what the 22 requirements were for that team. I don't recall		10    Q Was it ever changed with respect to the 11 requirements for the position held by Mr. Pai?	
		12    A It wasn't that granular. So it had 13 high-level requirements but not down to that level 14 of detail.	
		15    MR. STERN: Next I guess will be 8. 16    (KHALIL Exhibit 8 was marked for 17 identification and attached to the transcript.)	
		18    MR. STERN: Copy to counsel.	
		19    Q That's an e-mail string, Bates number 20 Pai61, 62, 63. Three pages, so let me know when 21 you've had time to read it and we'll talk about 22 that one next.	

Transcript of Atif Khalil  
Conducted on March 27, 2018

22 (85 to 88)

	85		87
1 <b>A Okay.</b>		1   experience in RFP responses, technical estimating	
2   Q And Exhibit 8 is an e-mail string from		2   and related business development activities at	
3   Mr. Pai to you, Subject: "Transition Request," he		3   former employers.	
4   sent to you Thursday, September 18th, 12:25 p.m.		4   Did you do anything in response to	
5   Yes?		5   Mr. Pai's suggestions?	
6 <b>A Yes.</b>		6 <b>A So this was – I believe I told him that I</b>	
7   Q And pages 2 and 3 of this exhibit are		7 <b>was not the right person to discuss this with. I</b>	
8   earlier e-mails that Mr. Pai attached to this from		8 <b>had no purview or authority to hire nonbillable</b>	
9   September 8th at 10:32 a.m., and the same day at		9 <b>resources. My authority was managing that</b>	
10 9:33 a.m. that we've previously discussed?		10 <b>program, and all of the positions on that program</b>	
11 <b>A Correct.</b>		11 <b>were billable positions at the Falls Church site.</b>	
12 Q In Mr. Pai's e-mail to you, Exhibit 8,		12 <b>Anything outside, I recall recommending that he</b>	
13 first page: "Hi, Atif, as a couple of Camber team		13 <b>look at the Camber open positions and explore</b>	
14 members stated this, I must point out that I have		14 <b>opportunities. Everything was posted on our</b>	
15 not resigned."		15 <b>website.</b>	
16   Is there any earlier document from Mr. Pai		16 <b>I could not authorize him to do any of the</b>	
17 that used the word "resign" or "resigned"?		17 <b>work that he mentioned there.</b>	
18 <b>A None that I've seen.</b>		18   Q That's the gist of what you told Mr. Pai?	
19   Q The first full paragraph, couple of lines		19 <b>A Correct.</b>	
20 down, he writes: "I only requested a transfer		20   Q And you believe that telling was in the	
21 nearer to the Southern California region. As you		21 morning meeting between Mr. Pai's first "Hi, Atif"	
22 wanted a planning horizon, and graciously		22 e-mail, and the second one?	
	86		88
1   suggested October 31, 2014, I put that date in my		1 <b>A On September...</b>	
2   transition request and said I would definitely		2   Q 8th.	
3   continue to do my best to serve the client and		3 <b>A 8th, correct.</b>	
4   Camber Corporation before and after the		4   Q I believe you just told me that you told	
5   transition."		5   Mr. Pai to go to the website because everything	
6   Does that refresh a recollection as to		6   was there. Is that the gist of...	
7   whether you suggested October 31st, 2014, to		7 <b>A Yeah, all our open positions were on our</b>	
8   Mr. Pai in your meeting of the morning of		8   website.	
9   September 8th?		9   Q In order to be an open position on the	
10 <b>A I honestly don't...</b>		10 website, is it fair to think that only positions	
11   Q Don't recall?		11 in programs that had been bought and paid for	
12 <b>A I don't recall.</b>		12 would be open?	
13   Q I'll direct your attention a little bit		13 <b>A No. So we had -- so we had positions that</b>	
14 lower in the e-mail. The paragraph says: "If		14 were for programs like EOIR, which was an ongoing	
15 it's not possible to justify current salary when		15 awarded, funded contract. We had contingent	
16 nonbillable, my pay could be temporarily reduced		16 positions for work that we were bidding for, and	
17 when not on FMLA, as in Southern California, my		17 then we had nonbillable overhead positions; for	
18 expenses are much less."		18 instance, Adesh Jain's position was not a client	
19   He recites he could contribute by creating		19 billable position. It was an overhead position.	
20 our delivery training programs, helping with		20 We had recruiters, we had proposal managers, we	
21 business development, proposal writing, cyber		21 had others. So anything that the company needed,	
22 security and SharePoint migrations. Has		22 we opened up; that's how we found candidates to	

## Transcript of Atif Khalil

23 (89 to 92)

Conducted on March 27, 2018

89	91
<p>1 hire.</p> <p>2 Q Now, by "open," is that non-Camber</p> <p>3 employees could access that?</p> <p>4 <b>A Right. Public. So, I mean, that's how we</b></p> <p>5 <b>found candidates within or outside of Camber.</b></p> <p>6 Q So with respect to the September 18th,</p> <p>7 2014, e-mail from Mr. Pai to you, depicted in the</p> <p>8 first page of Exhibit 8 to your deposition, you</p> <p>9 did not respond to Mr. Pai regarding the matters,</p> <p>10 "if it's not possible to justify my current</p> <p>11 salary," and so forth, that we just discussed?</p> <p>12 <b>A So I see that as, you know, nothing that I</b></p> <p>13 <b>could do anything about or I had the authority to</b></p> <p>14 <b>take action on. So whenever somebody said they</b></p> <p>15 <b>had plans to do stuff outside of EOIR, my scope</b></p> <p>16 <b>ended. I could not authorize anyone to be hired</b></p> <p>17 <b>or change their salary, anything along those</b></p> <p>18 <b>lines.</b></p> <p>19 Q And the gist of it is that that's your</p> <p>20 belief that you told him that ten days before?</p> <p>21 <b>A Correct.</b></p> <p>22 Q So you don't believe you retold him that</p>	<p>1 <b>A Correct.</b></p> <p>2 Q She's responding to your e-mail to her the</p> <p>3 same day slightly above the middle of the first</p> <p>4 page that you sent to her at 12:41.</p> <p>5 <b>A Correct.</b></p> <p>6 Q In that e-mail you wrote to Lisa, "See</p> <p>7 Ashok's e-mail below." That e-mail below is the</p> <p>8 same as Exhibit 8 to your deposition?</p> <p>9 <b>A Correct.</b></p> <p>10 Q You wrote: "He plans to leave the project</p> <p>11 effective October 31st, but wants to remain a</p> <p>12 Camber employee supporting nonbillable work from</p> <p>13 California."</p> <p>14 That's the first sentence. Right?</p> <p>15 <b>A Correct.</b></p> <p>16 Q And you wrote: "As far as I know, that's</p> <p>17 not an option we are offering him."</p> <p>18 How did you know that, that Camber was not</p> <p>19 offering Mr. Pai that option?</p> <p>20 <b>A So I didn't think we had a California</b></p> <p>21 <b>location, I didn't think that we were hiring any</b></p> <p>22 <b>nonbillable folks to do that type of work, and I</b></p>
90	92
<p>1 following the September 18th e-mail?</p> <p>2 <b>A I may have. I don't recall.</b></p> <p>3 (KHALIL Exhibit 9 was marked for</p> <p>4 identification and attached to the transcript.)</p> <p>5 Q Let me know when you've read Exhibit 9.</p> <p>6 MR. STERN: A copy to counsel. That's Pai</p> <p>7 pages 65 through 68.</p> <p>8 <b>A Okay.</b></p> <p>9 Q Was this one of the e-mails that you had</p> <p>10 previously reviewed?</p> <p>11 <b>A I believe so.</b></p> <p>12 Q Exhibit 9 to your deposition is an e-mail</p> <p>13 string starting at the top of the first page from</p> <p>14 Lisa Thompson, the local HR person on the EOIR</p> <p>15 project?</p> <p>16 <b>A For Avia and Camber.</b></p> <p>17 Q To you, with a copy to Mr. Jain, "Subject:</p> <p>18 Transition Request," sent to you Thursday,</p> <p>19 September 18th, the same day that you received the</p> <p>20 preceding e-mail in Exhibit 8 to your deposition.</p> <p>21 She sent a response to you at 1:22 p.m., Exhibit 9</p> <p>22 to your deposition?</p>	<p>1 <b>had not heard from anyone reach out to me or</b></p> <p>2 <b>anything along those lines where he had found an</b></p> <p>3 <b>opportunity matching his desires.</b></p> <p>4 Q Had you discussed or communicated with</p> <p>5 anyone at Camber -- before you wrote the e-mail of</p> <p>6 yours to Lisa on September 18th, 12:41 p.m., had</p> <p>7 you conferred with anyone at Camber about not</p> <p>8 offering that option to Mr. Pai?</p> <p>9 <b>A I may have discussed it with Adesh. He</b></p> <p>10 <b>was my supervisor, and I discussed a lot of</b></p> <p>11 <b>program details with him. I don't recall if I</b></p> <p>12 <b>discussed it with anyone else.</b></p> <p>13 Q Was there anything you did to inform</p> <p>14 yourself that that was not an option being offered</p> <p>15 to him?</p> <p>16 <b>A I did not reach out. So other than Adesh,</b></p> <p>17 <b>I wouldn't have any other interface. Like I</b></p> <p>18 <b>wouldn't call up somebody else within Camber and</b></p> <p>19 <b>say, I would like to talk to you about this need</b></p> <p>20 <b>or this question.</b></p> <p>21 MR. STERN: We have a ways to go. Shall</p> <p>22 we continue or take a break?</p>

Transcript of Atif Khalil  
Conducted on March 27, 2018

24 (93 to 96)

1 THE WITNESS: I'm good with continuing.  
2 (Recess taken at 11:59 a.m.)

3 (KHALIL Exhibit 10 was marked for  
4 identification and attached to the transcript.)

5 Q Reminding you you're still under oath.

6 A Yes.

7 Q Let me know when you've read it.

8 MR. STERN: And the record can reflect I'm  
9 handing a copy to counsel, EEOC 404 to 408.

10 A Okay.

11 Q Is this e-mail string depicted in Exhibit  
12 ten to your deposition one of the e-mails you have  
13 recently reviewed?

14 A I do not recall.

15 Q Exhibit ten to your deposition is an  
16 e-mail string starting with Mr. Pai's forwarding  
17 of the e-mail from Exhibit 9 to your deposition,  
18 Mr. Pai's, "Hi, Atif, a couple of Camber team  
19 members stated this. I must point out I have not  
20 resigned," which is on page 406, lower right-hand  
21 corner of Exhibit ten to your deposition, which he  
22 forwarded to Lisa Thompson, right, at the top of

94 1 page 406 of Exhibit ten?

2 A Yes. Yes.

3 Q To which she responded, at the bottom of  
4 405, the same day, at 2:41 p.m., September 18th.  
5 Yes?

6 A Yes.

7 Q To which he responded that same afternoon,  
8 a few minutes later, towards the top of 405, to  
9 which she responded at the bottom of 404, the same  
10 afternoon.

11 A Okay.

12 Q Copies to you. You're listed as a cc  
13 recipient. Yes?

14 A Correct.

15 Q To which he responded immediately above  
16 that, on page 404, first page of Exhibit ten,  
17 September 18th at 4:30 p.m., also a copy to you,  
18 to which she responded the next morning at  
19 9:03 a.m., at the top of page 404, also copied to  
20 you. Correct?

21 A Correct.

22 Q On the first page of Exhibit ten,

95 1 page 404, Mr. Pai writes to Lisa -- this is his  
2 4:30 p.m. e-mail.

3 A Okay.

4 Q "I'm working on a software development  
5 issue for EOIR now. I apologize for my delayed  
6 response." And he says, "I made it clear, I  
7 definitely have not resigned. Should I withdraw  
8 my transition request? Why was this process not  
9 made clear when I sent the e-mail September 8?"

10 To which she responds the next morning,  
11 she doesn't know why "there's confusion over the  
12 fact that the employee is responsible for finding  
13 and pursuing a new opportunity if they wish to  
14 move from their current role. I did not realize  
15 we needed to clarify the matter. It's always been  
16 the employee's responsibility."

17 Fair to say that's your understanding?

18 A Correct.

19 Q "Nothing additional is needed from you,"  
20 she writes to Ashok, "as we now understand you did  
21 not intent [sic] to resign your current role  
22 effective October 31st unless you found another

96 1 role within Camber prior to that date."

2 Did you confer with anyone at Camber on  
3 September 18th or 19th regarding Mr. Pai's  
4 statement that he's not resigned?

5 A Nothing specifically. But, I mean, I've  
6 had conversations with Lisa.

7 Q Anything else in general?

8 A So my recollection of this discussion is  
9 kind of a change of plan, change of heart from  
10 Ashok from the earlier September 8th discussion,  
11 September 8th. And I do not understand or agree  
12 with confusion, because I believe his options were  
13 made clear to him. So I saw this as a change of  
14 plans on his part.

15 Q No other discussion you can recall with  
16 anyone at Camber on September 18th or 19 about  
17 Mr. Pai?

18 A So I know that at some point they -- I  
19 communicated with HR regarding the change of  
20 requirements and how we were planning to backfill  
21 that position. I can't recall exactly which date  
22 and time that occurred. So that was leading from

Transcript of Atif Khalil  
Conducted on March 27, 2018

26 (101 to 104)

	101		103
1 Q So handwritten notes were discarded by 2 you?		1 A Correct.	
3 A Uh-huh.		2 Q Training. Then there's a topic that says, 3 "Risks/Issues, Ashok's departure on 10/31/14."	
4 Q Affirmative, yes?		4 How was that a risk or an issue? You had 5 previously reported he had resigned. How is that 6 an issue?	
5 A Yes.		7 A This must have been a follow-up from 8 Lisa's e-mail conversation September 19th or so. 9 So I do recall going back to them and letting them 10 know that Ashok wanted to change his mind and no 11 longer depart on October 31st.	
6 Q Deborah Curtis did not participate in 7 those meetings?		12 Q Did any of the EOIR attendees at that 13 meeting say anything in response to that report?	
8 A That's correct.		14 A So in general their reaction was that they 15 did not want to offer this option to Ashok to 16 remain on the project, and they wanted us to 17 proceed with replacing him on the program.	
9 Q Did you observe anyone who was 10 participating making notes?		18 Q Who was the "they"?	
11 A No.		19 A Howard Myatt was the authoritative person, 20 and then Kate and David Fruchwald were also there.	
12 Q Turning to the second page of Exhibit 11 13 to your deposition, don't see any resignations as 14 an agenda item, no departures, no on-boarding. 15 Correct?		21 Q And under the 22 recruitment/hiring/on-boarding activities with	
16 A Correct.			104
17 Q We're were still seeing .NET/SP Dev 18 (Ashok's backfill), interviewing candidates?		1 respect to Ashok, it continues to show .NET/SP Dev 2 (Ashok's backfill) interviewing candidates at that 3 time?	
19 A Correct.		4 A Correct.	
20 Q Do you recall any discussion on that 21 bullet point at that meeting?		5 (KHALIL Exhibit 12 was marked for 6 identification and attached to the transcript.)	
22 A No. I must have given them the status		7 MR. STERN: A copy of 13, EEOC pages 163 8 to 165, to counsel.	
	102	9 A Okay.	
1 that it's still ongoing. When I have a 2 substantial update for them where we've identified 3 a candidate or made a decision, then we will 4 communicate that back to them.		10 Q Was the Exhibit 13 e-mail string one of 11 the e-mails you reviewed recently?	
5 (KHALIL Exhibit 12 was marked for 6 identification and attached to the transcript.)		12 A Yes.	
7 MR. STERN: Copy to counsel of Exhibit 12.		13 Q Did the one you reviewed recently have the 14 handwritten material on the first page?	
8 A Okay.		15 A No.	
9 Q Exhibit 12 is your cover e-mail to EOIR 10 regarding the weekly program meeting for 11 September 30, 2014, which you sent the same day at 12 11:50 a.m. Correct?		16 Q Do you recognize that handwriting?	
13 A Correct.		17 A No.	
14 Q And it included, as page 2, the referenced 15 attachment, PM September 30, 2014, DCIO document. 16 Correct?		18 Q Not your handwriting?	
17 A Correct.		19 A No.	
18 Q Under the staffing topic you list a 19 Dipak Mistry as a resignation.		20 Q Exhibit 13 to your deposition is an e-mail 21 string beginning with your e-mail of October 1st, 22 9:55 on page EEOC 164 of this deposition, towards	
20 A Correct.			
21 Q No departures, no on-boarding, some 22 upcoming absences of key personnel.			

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Conducted on March 27, 2018

27 (105 to 108)

	105		107
1 the bottom. That's towards the bottom of the 2 second page.		1 Q And notes of that conversation, if any, 2 were disposed of by you. Correct?	
3 <b>A Okay.</b>		3 <b>A Yeah. The general notes.</b>	
4 Q "Lisa, please see request below from 5 government to replace Ashok Pai. I would like to 6 proceed with the 10/31/14 separation. Can we 7 prepare a letter for Ashok?"		4 Q Were disposed by you?	
8 Attached to that is an e-mail of the same 9 day, October 1st, at 9:42 that morning, from 10 Mr. Myatt to you, copy to David Fruehwald; 11 Subject: Replacement of Ashok Pai. "Atif, please 12 proceed with replacement of Ashok Pai from the 13 .NET team at the government's request."		5 <b>A Correct.</b>	
14 When you received Mr. Myatt's e-mail, did 15 you confer or discuss with anyone at Camber before 16 you forwarded it to Lisa about 12 minutes later?		6 Q So you forwarded Mr. Myatt's e-mail. 7 13 minutes after you received it, you forward it 8 to Lisa. Correct?	
17 <b>A Not that I recall.</b>		9 <b>A Correct.</b>	
18 Q Does not mention removal of Mr. Pai from 19 the .NET team, does it?		10 Q Lisa responds to you the same day at 11 10:09 a.m. by forwarding to you an e-mail she had 12 received from Deborah Whitten four minutes before. 13 Correct?	
20 <b>A Replacement.</b>		14 <b>A Correct.</b>	
21 Q The word "remove" or "removal" is nowhere 22 in this e-mail. Correct?		15 Q Who is Deborah Whitten?	
	106	16 <b>A So she was on the HR team.</b>	
1 <b>A Correct.</b>		17 Q She was above Lisa. Right?	
2 Q Was the .NET team the entire EOIR project 3 at that time?		18 <b>A That's my recollection, yeah.</b>	
4 <b>A No, we had multiple teams.</b>		19 Q And Deborah's question to Lisa was: "At 20 one point you said the customer was changing the 21 requirements for the position. Is that the case, 22 and if so, can we get something in writing from	
5 Q Mr. Myatt's e-mail does not mention 6 removing Mr. Pai from the EOIR project, does it?			
7 <b>A So removing would mean removing and not 8 backfilling; replacing means removing and 9 backfilling. That's how I read it.</b>			
10 Q The word "remove" or "removal" is not in 11 Mr. Myatt's e-mail?			
12 <b>A Clearly not.</b>			
13 Q "EOIR" is not in the single sentence that 14 he writes in his e-mail?			
15 <b>A I'm sorry, say that again.</b>			
16 Q The word or phrase "EOIR" is not in that 17 sentence either, is it?			
18 <b>A No. "Government" implies EOIR.</b>			
19 Q Mr. Myatt's e-mail does not state changing 20 requirements for the position, does it?			
21 <b>A It does not. But that's the conversation 22 that happened prior to this.</b>			
	108		
1 them?"			
2 Lisa forwarded that question to you.			
3 Correct?			
4 <b>A Correct.</b>			
5 Q Your response that morning back to Lisa 6 about an hour and ten minutes later, right, 7 11:20 a.m. same day: "Lisa, based on your 8 feedback on Friday."			
9 What is the feedback on Friday that you're 10 referring to when you wrote that on Wednesday, 11 October 1st?			
12 <b>A I'm assuming it's the sentence in quotes.</b>			
13 Q Is the quote then something you got from 14 an e-mail or is the quote something that you wrote 15 based on notes of some non-mail event?			
16 <b>A I don't recall.</b>			
17 Q Was there verbal communication on that 18 Friday with you and Lisa and perhaps others?			
19 <b>A Four years ago, I do not recall.</b>			
20 Q You wrote to Lisa, in quotes -- and this 21 is quoting Lisa? Is that the gist of...			
22 <b>A That's what it reads like, sounds like at</b>			

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Conducted on March 27, 2018

28 (109 to 112)

<p>1   <b>this time.</b></p> <p>2   Q And read like; that's also what you wrote</p> <p>3   like. Correct? You wrote it?</p> <p>4   <b>A Yes. Obviously I see that I wrote it</b></p> <p>5   <b>here.</b></p> <p>6   Q "In order to move forward with</p> <p>7   termination, it will need to be client request due</p> <p>8   to changing requirements for the job for which he</p> <p>9   is not qualified, or the client specifically</p> <p>10   requests that he is removed."</p> <p>11   That's what Lisa told you to do, either</p> <p>12   verbally and you wrote it, or copied and pasted</p> <p>13   from some document?</p> <p>14   <b>A Correct.</b></p> <p>15   Q And your response is, "I went with the</p> <p>16   option to specifically request his removal by</p> <p>17   name," period. "The changing requirements can</p> <p>18   still be an issue. We are changing the position</p> <p>19   from senior SharePoint developer to mid level .NET</p> <p>20   developer at a much lower rate/salary. He can</p> <p>21   still argue he qualifies for that job and will</p> <p>22   take a pay cut. Removal by name is a cleaner</p>	<p>109</p> <p>1   <b>have you. Would take redeye flights. I often saw</b></p> <p>2   <b>him sleeping in the office at his desk. So there</b></p> <p>3   <b>were performance issues.</b></p> <p>4   <b>And we managed our team, our team's</b></p> <p>5   <b>performance collectively, but the client was</b></p> <p>6   <b>co-located with us and they worked with our team</b></p> <p>7   <b>members individually and were aware of how</b></p> <p>8   <b>everybody was performing.</b></p> <p>9   <b>So this background – and we had at one</b></p> <p>10   <b>point put him on a Performance Improvement Plan.</b></p> <p>11   <b>He had taken, on top of these travel related,</b></p> <p>12   <b>FMLA, which we had communicated to the client he</b></p> <p>13   <b>had taken an unapproved leave to attend a</b></p> <p>14   <b>conference. So all of that kind of led up to</b></p> <p>15   <b>these events that we are talking about here.</b></p> <p>16   <b>So that's the background on why we needed</b></p> <p>17   <b>to manage the situation, and couldn't go back and</b></p> <p>18   <b>forth with the customer, because they would just</b></p> <p>19   <b>get frustrated and expect us to manage our team.</b></p> <p>20   Q Your e-mail in this Exhibit 13 does not</p> <p>21   state those things. Correct? It doesn't state</p> <p>22   anything about performance plan, doesn't state</p>
<p>1   option. It's not good for us to engage the client</p> <p>2   in this issue extensively. They expect us to</p> <p>3   handle our own issues."</p> <p>4   That's what you wrote. Correct?</p> <p>5   <b>A Correct.</b></p> <p>6   Q You don't recall the source of the quote.</p> <p>7   Could have been from a document, could have been</p> <p>8   verbal?</p> <p>9   <b>A Correct. Can I provide some context</b></p> <p>10   <b>behind this?</b></p> <p>11   Q And the "this" being what?</p> <p>12   <b>A Just this was part of my management of the</b></p> <p>13   <b>program and management of the client relations.</b></p> <p>14   <b>Ashok, if I recall correctly, he was on the</b></p> <p>15   <b>program for a couple of years, and based on my</b></p> <p>16   <b>recollection, since the beginning, there were</b></p> <p>17   <b>struggles regarding his performance. So he was</b></p> <p>18   <b>traveling back and forth between California and</b></p> <p>19   <b>D.C. and taking unscheduled leave, often showing</b></p> <p>20   <b>up or not showing up -- showing up late on Mondays</b></p> <p>21   <b>because he would travel back on the weekend, or</b></p> <p>22   <b>call in and say the flight got delayed or what</b></p>	<p>110</p> <p>1   anything about sleeping in the office, doesn't say</p> <p>2   anything about showing up late on Mondays. That's</p> <p>3   nowhere to be found in this e-mail. Correct?</p> <p>4   <b>A That's the intention of the last sentence,</b></p> <p>5   <b>"It is not good for us to engage the client with</b></p> <p>6   <b>this issue extensively." So this issue is –</b></p> <p>7   <b>that's the history behind this issue.</b></p> <p>8   Q Those words are not in this e-mail, are</p> <p>9   they?</p> <p>10   <b>A Okay. Not.</b></p> <p>11   Q In the top portion of the first page of</p> <p>12   Exhibit 13 to your deposition is an e-mail from</p> <p>13   your supervisor, the vice president, Adesh Jain,</p> <p>14   to Deborah Whitten?</p> <p>15   <b>A Correct.</b></p> <p>16   Q Subject is replacement of Ashok Pai.</p> <p>17   Correct?</p> <p>18   <b>A Correct.</b></p> <p>19   Q And he writes that letter the same day,</p> <p>20   October 1st. He writes that a couple of hours</p> <p>21   after your e-mail responding to Lisa. Correct?</p> <p>22   <b>A Correct.</b></p>
	<p>111</p>

Transcript of Atif Khalil  
Conducted on March 27, 2018

31 (121 to 124)

<p>1   <b>A So as I would walk around, we all worked</b></p> <p>2   <b>in a shared environment with cubicles; if I see</b></p> <p>3   <b>him sleeping in his chair, I assume that his</b></p> <p>4   <b>neighbors who are getting up to get coffee or</b></p> <p>5   <b>walking around would see him as well.</b></p> <p>6   Q You believe it is probable and likely?</p> <p>7   <b>A Correct.</b></p> <p>8   Q Anything else?</p> <p>9   <b>A That's it.</b></p> <p>10   Q Next will be Exhibit 14.</p> <p>11   (KHALIL Exhibit 14 was marked for</p> <p>12 identification and attached to the transcript.)</p> <p>13   MR. STERN: Copy to counsel.</p> <p>14   <b>A Okay.</b></p> <p>15   Q Document 14, Exhibit 14 to your</p> <p>16 deposition, is an e-mail string consisting of</p> <p>17 Deborah Whitten asking a follow-up question to the</p> <p>18 e-mail we had previously described, which was your</p> <p>19 narrative back to Lisa: "As requested, here are</p> <p>20 differences in the position."</p> <p>21   <b>A Correct.</b></p> <p>22   Q And Deborah Whitten asked in her e-mail</p>	<p>121</p> <p>1   the new req we have open for replacement."</p> <p>2   And then you list seven bullet points.</p> <p>3   True?</p> <p>4   <b>A Eighth bullet point is on the next page.</b></p> <p>5   Q You did not put quote marks around that</p> <p>6 material. Correct?</p> <p>7   <b>A Correct.</b></p> <p>8   Q You did not copy and paste the content</p> <p>9 from any communication you got by e-mail or other</p> <p>10 document from EOIR?</p> <p>11   <b>A Correct.</b></p> <p>12   Q And you don't know of any document</p> <p>13 reflecting that EOIR agreed with these bullet</p> <p>14 points that you've listed to Lisa in your e-mail</p> <p>15 of October 1st at 2:33 p.m.?</p> <p>16   <b>A No.</b></p> <p>17   MR. STERN: Shall we plow on, or is this a</p> <p>18 suitable time for a lunch break?</p> <p>19   THE WITNESS: I'm fine with proceeding.</p> <p>20   MR. STERN: I need about 5 minutes to</p> <p>21 stand up and get some water.</p> <p>22   (Recess taken at 12:59 p.m.)</p>	<p>123</p>
<p>1   Wednesday, October 1st, 2014, at 3:46 p.m., in the</p> <p>2 center of page 158 of this exhibit: "Just to</p> <p>3 clarify, the customer is changing the position</p> <p>4 requirements to a junior level position.</p> <p>5   Correct?"</p> <p>6   That was her question?</p> <p>7   <b>A Correct.</b></p> <p>8   Q And your answer was: "Yes, that's</p> <p>9 correct."</p> <p>10   True?</p> <p>11   <b>A Yes.</b></p> <p>12   Q And the only document you received from</p> <p>13 EOIR that you had presented to Lisa and to</p> <p>14 Ms. Whitten was the Howard Myatt one-sentence</p> <p>15 e-mail, "Please proceed with replacement of Ashok</p> <p>16 Pai from the .NET team at government's request"?</p> <p>17   <b>A Correct.</b></p> <p>18   Q The narrative of your e-mail of that same</p> <p>19 day, October 1st at 2:33 p.m., bottom half of the</p> <p>20 first page of this exhibit, EEOC document 158 in</p> <p>21 the lower right-hand corner: "Lisa, as requested,</p> <p>22 here are some differences in Ashok's position and</p>	<p>122</p> <p>1   (KHALIL Exhibit 15 was marked for</p> <p>2 identification and attached to the transcript.)</p> <p>3   Q Let me know when you've read it and we'll</p> <p>4 talk about Exhibit 15.</p> <p>5   <b>A Okay.</b></p> <p>6   Q Exhibit 15 is an e-mail from you to EOIR,</p> <p>7 weekly program review, for the meeting of</p> <p>8 October 7th, 2014.</p> <p>9   <b>A Correct.</b></p> <p>10   Q Which you sent that same day at</p> <p>11 10:52 a.m.?</p> <p>12   <b>A Correct.</b></p> <p>13   Q It has four attachments listed, including</p> <p>14 the PM for 100714 DCIO, and two budget</p> <p>15 spreadsheets and one of those VSDs. Correct?</p> <p>16   <b>A Correct.</b></p> <p>17   Q Turning to the second page of Exhibit 15,</p> <p>18 this is a DCIO PM weekly for that meeting that you</p> <p>19 prepared. Correct?</p> <p>20   <b>A Yes.</b></p> <p>21   Q The preceding DCIO's risk issue regarding</p> <p>22 Mr. Pai's October 31st departure is not present in</p>	<p>124</p>

Transcript of Atif Khalil  
Conducted on March 27, 2018

32 (125 to 128)

<p>1 this one?</p> <p><b>2 A Correct.</b></p> <p>3 Q And the update on recruitment, hiring, 4 on-boarding for that .NET/SP Dev (Ashok's 5 backfill), still interviewing candidates. Right?</p> <p><b>6 A Correct.</b></p> <p>7 Q Exhibit 16. 8 (KHALIL Exhibit 16 was marked for 9 identification and attached to the transcript.)</p> <p>10 Q Exhibit 16 is your Tuesday, October 14, 11 2014, DCIO agenda for that meeting. Correct?</p> <p><b>12 A Correct. Yes.</b></p> <p>13 Q And it's identical with respect to 14 Ashok's backfill, the preceding one. Still 15 noting, interviewing candidates. Correct?</p> <p><b>16 A Correct.</b></p> <p>17 Q And identifying no risks or issues for 18 discussion that week. Right?</p> <p><b>19 A Correct.</b></p> <p>20 Q 17. 21 (KHALIL Exhibit 17 was marked for 22 identification and attached to the transcript.)</p>	<p style="text-align: right;">125</p> <p>1 on-boarding, it indicates another .NET/SP gov 2 backfill in process at that time, interviewing 3 candidates as well?</p> <p><b>4 A Correct.</b></p> <p>5 Q The next one, 18. 6 (KHALIL Exhibit 18 was marked for 7 identification and attached to the transcript.)</p> <p>8 MR. STERN: Copy to counsel, EEOC document 9 161 to 162.</p> <p><b>10 A Okay.</b></p> <p>11 Q Is Exhibit 18 to your deposition one of 12 the e-mails that you've recently reviewed?</p> <p><b>13 A Yes.</b></p> <p>14 Q Exhibit 18 to your deposition is a 15 two-page e-mail string, beginning with your e-mail 16 to Mr. Pai, copy to Sudhakar at the bottom of the 17 first page of the exhibit, Friday, October 17th, 18 2014, at 10:42 a.m.; subject: Separation letter.</p> <p><b>19 A Correct.</b></p> <p>20 Q Which you had started to send on the --</p> <p><b>21 A And then I hit "send" by mistake.</b></p> <p>22 Q On the bottom of page 162 there --</p>
<p>1 MR. STERN: Copy to counsel.</p> <p><b>2 A Okay.</b></p> <p>3 Q Exhibit 17 to your deposition is your 4 agenda and supporting documents for the 5 October 21st, 2014, meeting.</p> <p><b>6 A Yes.</b></p> <p>7 Q And the second page of that is now called 8 DSD PM weekly. What does the DSD stand for 9 compared to the DCIO that was used previously?</p> <p><b>10 A So Kate's title change from deputy CIO to 11 director of software development.</b></p> <p>12 Q Did that entail any change in her role 13 with respect to these weekly meetings?</p> <p><b>14 A No. Just the title change.</b></p> <p>15 Q Just the title change?</p> <p><b>16 A Uh-huh.</b></p> <p>17 Q No risks or issues identified. Correct?</p> <p><b>18 A Correct.</b></p> <p>19 Q And the Ashok backfill, still interviewing 20 candidates .Net/SP developer?</p> <p><b>21 A Correct.</b></p> <p>22 Q Now, under the recruitment, hiring, and</p>	<p style="text-align: right;">126</p> <p><b>1 A Yeah.</b></p> <p>2 Q -- a few minutes earlier.</p> <p><b>3 A Correct.</b></p> <p>4 Q And then the one we were earlier 5 discussing at 10:42 a.m., bottom of page 161, top 6 of page 162, you e-mailed Mr. Pai a termination 7 letter. Correct?</p> <p><b>8 A Correct.</b></p> <p>9 Q And you wrote, among other things, to 10 Mr. Pai: "Unfortunately, your employment with 11 Camber will be terminated effective 10/31/14. The 12 client has decided to change the requirements for 13 your position. The position is being changed to a 14 mid level net developer," period. And you asked 15 to discuss this in person.</p> <p><b>16 A Uh-huh.</b></p> <p>17 Q The top of the e-mail string on the first 18 page of this exhibit is Lisa Thompson's forwarding 19 of your e-mail of the termination letter, 20 forwarding that to Deborah Whitten on October 27th 21 at 10:30 a.m.?</p> <p><b>22 A Correct.</b></p>

## Transcript of Atif Khalil

33 (129 to 132)

Conducted on March 27, 2018

	129		131
1     Q You then followed up at the top of the 2 first page there with another e-mail that was 3 forwarded. This one was sent by you to Ashok: 4 "Let us know your plans for the rest of the week. 5 Haven't heard from you. You're asked to return 6 the DOJ laptop and PIV card. Please let us know." 7         Did you receive any response to your 8 e-mail to Mr. Pai, what are your plans next week, 9 and the laptop and the PIV?		1     Mr. Pai's performance, does it? 2 <b>A No.</b> 3     Q This termination letter does not mention 4 Mr. Pai's sleeping in the cube, does it? 5 <b>A No.</b> 6     Q This termination letter does not mention 7 Mr. Pai's absences or lateness on Mondays? 8 <b>A No.</b> 9         Q The next sentence goes on to say: 10 "Although we have no apparent ongoing task in 11 which we would be able to gainfully utilize your 12 skills, we encourage you to visit the career 13 site." 14         You previously testified you did not do 15 anything to inform yourself of whether there were 16 any other tasks Mr. Pai could do, other than 17 perhaps a discussion with Adesh?	
10 <b>A So I recall that he shipped the laptop and 11 the PIV card. I don't recall if he called me or 12 e-mailed me or what happened, but I do recall 13 receiving the equipment back in a box that we had 14 to turn back in to DOJ.</b> 15    Q No recall of whether he responded either 16 by e-mail or voicemail?		18 <b>A And recommending to him the same thing, 19 that he visit our site, the career site, and look 20 for opportunities. That was our standard 21 protocol.</b> 22    Q Did Mr. Paige or anyone at Camber inform	
21    (KHALIL Exhibit 19 was marked for 22 identification and attached to the transcript.)	130	1     you whether there had been any effort to inform 2 themselves of whether Camber did or did not have 3 an apparent ongoing task that they could utilize 4 Mr. Pai in? 5 <b>A I'm not sure if I understood the question.</b> 6     Q Yeah, let me have it read back so I can 7 hear it myself. 8         (The reporter read the record as follows: 9         "Did Mr. Paige or anyone at Camber inform 10 you whether there had been any effort to inform 11 themselves of whether Camber did or did not have 12 an apparent ongoing task that they could utilize 13 Mr. Pai in?") 14    Q Let me try it this way. You previously 15 testified that you didn't do anything to inform 16 yourself whether there were any of the tasks 17 available in accord with what Mr. Pai had asked 18 for when he talked about cyber security, business 19 development, training, and such. He described 20 generally nonbillable. You did not do anything to 21 inform yourself whether that existed, other than 22 possibly talking with Mr. Jain?	132
1     MR. STERN: Copy to counsel, EEOC document 2 438. 3 <b>A Okay.</b> 4     Q Is this Exhibit 19 to your deposition the 5 termination letter that you forwarded by e-mail on 6 October 17th to Mr. Pai? 7 <b>A Yes.</b> 8     Q And the "Sincerely" signature there is 9 attributed to Michael Paige, senior vice president 10 and manager, Government Solution Group. 11         Had you communicated with Mr. Paige in any 12 way regarding Mr. Pai? 13 <b>A No, I don't think so.</b> 14    Q Was Mr. Paige's letter to Ashok, where he 15 writes, "I regret to inform you that your 16 employment with Camber Corporation will be 17 terminated effective October 31st, 2014, due to 18 the customer changing the requirements for your 19 position," period, was that correct or incorrect? 20 <b>A That was correct. So that's leading from 21 the e-mails we have seen with HR.</b> 22    Q This termination letter does not mention			

## Transcript of Atif Khalil

34 (133 to 136)

Conducted on March 27, 2018

	133		135
1 <b>A</b> You know, so the process was that the 2 person - in this case, Mr. Pai - would take the 3 initiative, visit the career site, explore 4 opportunities, and then they would follow up on 5 that. I didn't proactively go out and ask 6 people – as you see, many people resigned and 7 departed from my program. I did not go out and 8 look for matching opportunities for them.		1 Ashok Pai, 10/31/14. Correct?	
9    Q The answer to the question, then, is no?		2 <b>A</b> Correct.	
10 <b>A</b> Correct.		3    Q No longer includes Ashok Pai 10/31/14 as a 4 resignation. Correct?	
11    Q Did Mr. Paige or anyone else at Camber 12 tell you that they had proactively looked to see 13 if there was any apparent ongoing tasks that could 14 use Mr. Pai's skills?		5 <b>A</b> Correct.	
15 <b>A</b> They did not tell me. And as I said, I do 16 not recall communicating with Michael Paige.		6    Q And under the recruitment, hiring, and 7 on-boarding activity, the Ashok's backfill remains 8 the same, .NET/SP Dev, interviewing candidates.	
17    Q And the "they" is fairly broad, as anyone 18 at Camber, not just Mr. Paige.		9   True?	
19 <b>A</b> My management chain and human resources 20 department.		10 <b>A</b> True.	
21    Q They didn't tell you they had looked to 22 see if there were any ongoing tasks?		11    Q Likewise, for the Robert backfill, same 12 position -- well, same bullet point .NET/SP Dev, 13 interviewing candidates for that one, too?	
1 <b>A</b> They didn't tell me either way, if they 2 had or had not.	134	14 <b>A</b> Yes.	
3       (KHALIL Exhibit 20 was marked for 4 identification and attached to the transcript.)		15    Q Now, immediately above that - we're still 16 in the recruitment, hiring, and on-board 17 activities - this one lists with respect to Hang's 18 backfill and a selection of Emita and Srin's 19 backfill for .NET Dev, and a selection for that, 20 Bhavana, if I'm pronouncing that correctly. It 21 lists, following each of those individuals' names, 22 some abbreviations with some dollar signs next to	
5       MR. STERN: Copy to counsel.		1   it.	
6       Q Exhibit 20 to your deposition is your 7 agenda and supporting docs for the October 28th 8 program review meeting?		2       So let me direct your attention to the 3 first one, the Hang backfill, ISE2 68.43. What 4 does ISE mean?	
9 <b>A</b> Correct.		5 <b>A</b> These are like our labor categories and 6 the hourly rates associated with them.	
10      Q And the second page of that exhibit is the 11 DSM [sic] PM weekly that you prepared for that 12 meeting. Correct?		7       Q Hourly rates, you mean billed to the 8 customer?	
13 <b>A</b> Uh-huh.		9 <b>A</b> Billed to the customer.	
14    Q Yes?		10      Q And ISE2 and ISE3, while they have 11 different rates, is there any other difference 12 implied to you by ISE2 versus ISE3?	
15 <b>A</b> DSD.		13 <b>A</b> So these are the tiers we had. So ISE2, 14 ISE3 would be a higher tier.	
16    Q The new title of the individual, DSD.		15      Q And what are the factors that go into 16 categorizing higher tier from a lower tier on 17 these ISE's?	
17 <b>A</b> Uh-huh.		18 <b>A</b> Education, number of years of experience, 19 skill set.	
18    Q Got it. I understand. You prepared that 19 second page. Correct?		20      Q And looking at the Srin backfill and the 21 Bhavana selected, talks about, in one case, ISA3 22 and another case ISA1. Is there some particular	
20 <b>A</b> That's correct.			
21    Q And the staffing bullet points for 22 October 28th includes, now under departures,			

Transcript of Atif Khalil  
Conducted on March 27, 2018

35 (137 to 140)

	137		139
1 nomenclature that ISA is an abbreviation for 2 compared to ISE?		1 before?	
3 <b>A Yeah. I don't want to speculate, but, you</b> 4 <b>know, it's like systems analyst versus systems</b> 5 <b>engineer, something along those lines. But I</b> 6 <b>don't know the specific off the top of my head.</b> 7 <b>Like information systems analyst, information</b> 8 <b>systems engineer, some nomenclature like that.</b>		2 <b>A I would assume this was not much of a</b> 3 <b>discussion, just the notification that he's</b> 4 <b>departed effective that date.</b>	
9     Q And then there's an EOIR security block 10 with a couple of bullet points there. One of 11 them -- actually, both of them relate to the names 12 of the persons who are listed as selected. Yes?		5     Q And the ongoing recruitment, hiring 6 activities for that .NET/SP Dev (Ashok's 7 backfill), still interviewing candidates.	
13 <b>A Yes.</b>		8     Correct?	
14     Q And so after selection, how does that 15 person get populated into the EOIR security topic? 16 What's the relationship between selection and ISA 17 security -- excuse me. EOIR security.		9 <b>A Uh-huh. Correct.</b>	
18 <b>A The way we on-board? We identify a</b> 19 <b>selected, candidate, make sure that they accepted</b> 20 <b>our offer, and then we submitted them to EOIR</b> 21 <b>security for the clearance. We could not bring</b> 22 <b>them on board until they were cleared by EOIR</b>		10     Q Any discussion about that that you recall?	
1     security, and I pull these dates down.	138	11 <b>A Nothing specifically. Sometimes, you</b> 12 <b>know, we would say we've got a couple of promising</b> 13 <b>candidates that are in the queue or something</b> 14 <b>along those lines.</b>	
2     So we selected the candidates, and now 3 they've been submitted, so this is my way of 4 tracking that, hey, the process has started. Or 5 they were submitted on October 14th, and so the 6 customer repeatedly sees that.		15     Q That's general but not specific to the 16 Ashok backfill document in this DSM PM weekly?	
7     And as I mentioned, this process typically 8 took about six weeks or so, and then they would 9 come on board.		17 <b>A That's all I can say. I don't recall the</b> 18 <b>discussions.</b>	
10     (KHALIL Exhibit 21 was marked for 11 identification and attached to the transcript.)		19     (KHALIL Exhibit 22 was marked for 20 identification and attached to the transcript.)	
12 <b>A Okay.</b>		21 <b>A Okay.</b>	
13     Q Exhibit 21 is your agenda and supporting 14 documents to EOIR for the Tuesday, November 4th, 15 2014, meeting?		22     Q Exhibit 22 is your e-mail and an attached	
16 <b>A Correct.</b>			140
17     Q And you prepared the page 2, the DSM PM 18 weekly agenda?		1     agenda statement for the December 16th, 2014, 2 program review meeting. Yes?	
19 <b>A Correct.</b>		3 <b>A Yes.</b>	
20     Q The staffing departures topic lists 21 Ashok Pai, 10/31/14. What was discussed on 22 November 4th about Ashok's departure the week		4     Q You prepared page 2 of the DSM PM weekly 5 for that meeting?	

## Transcript of Atif Khalil

39 (153 to 156)

Conducted on March 27, 2018

	153		155
1 agencies yesterday to submit for candidates."		1 changed the process so Eddie became the point of	
2 Does that jog your memory about this?		2 contact. So he would then coordinate with these	
3 A Not really. I mean, this is like a		3 agencies and kind of be the middle man instead of	
4 comment that he entered that I probably didn't see		4 having us work with them directly.	
5 or pay attention to.		5 So we ran everything through our	
6 Q And on 3/30/15, the last update reported		6 recruiters and our recruiting group. So I'm not	
7 in the comment section on this, it states: "Offer		7 sure what Eddie shared with them. But this job	
8 extended to Peter Chu today. Moving on to hold		8 description was public because it was posted on	
9 until he gets his clearance."		9 our career site so they could easily go in and	
10 A Okay.		10 find it.	
11 Q If Peter Chu were the backfill for		11 Q The agency might have come to you, so to	
12 Mr. Pai, does this inform that that was a senior		12 speak. They could log in and find those openings?	
13 net position?		13 A Sure.	
14 A Not necessarily. As you see, it's, again,		14 Q Okay. Now, when a requisition is	
15 as I mentioned, a very fluid situation with lots		15 created - for example, the information in the	
16 of people leaving and lots of people coming in.		16 requisition information block at the top of the	
17 So we can't custom design a candidate. And at any		17 second page of Exhibit 27, title, office location,	
18 time we had multiple requisitions open, so we were		18 so forth - does that have to be entered manually,	
19 getting a variety of candidates.		19 one by one, by whoever is drafting the	
20 And so, again, depending on who came in		20 requisition, or is there a process by which	
21 when, with what background and skill set, it would		21 material can be copied and pasted?	
22 get plugged in to different openings we had. So		22 A It's mostly copied and pasted. So I think	
	154		156
1 it's Eddie/iPlace was an agency, plus nine other		1 there was an option to, like, take a previous	
2 agencies, so we had a lot of activity in this area		2 requisition and copy it and then update it as	
3 where we had constant flow of candidates coming		3 needed.	
4 in, and requisitions that we had opened.		4 Q Was a requisition for a junior .NET	
5 Recruiters may or may not pay attention to these		5 developer ever posted for the Ashok Pai backfill	
6 requisitions and send us a candidate that they		6 vacancy?	
7 think we would like or could use.		7 A I believe so.	
8 Q So the outside agencies -- I know we		8 Q And that's based on what?	
9 talked about the internal and the outside, you		9 A Just the e-mails we've seen.	
10 called them staffing agencies earlier this		10 Q Do you know if it was posted?	
11 morning. Yes? Remember that discussion?		11 A I do not have access to the system. I	
12 A Right. Yes.		12 don't recall exactly.	
13 Q Would the requisitions that you would want		13 There's one other distinction in the	
14 to be sent out to those outside agencies, would		14 context of these requisitions, the SharePoint	
15 that be done by sending them requisitions?		15 skill set as opposed to the .NET skill set.	
16 Mechanically, how is it that the outside agencies		16 Q You're pointing to what page, what part?	
17 would be knowing what to look for?		17 A So if you look at 324, the required	
18 A So they would find it on our website. And		18 qualifications, focusing on the .NET skill set,	
19 this comment reminded me. So Eddie was our		19 and desired qualifications. So desired	
20 internal recruiter. We had an internal recruiting		20 qualifications states experience with SharePoint	
21 team. I recall that initially I was working		21 technology.	
22 directly with the agencies, and at some point we		22 So basically, over the years, on the EOIR	

## Transcript of Atif Khalil

40 (157 to 160)

Conducted on March 27, 2018

	157		159
1 program, we shifted away from, when we hired		1 potentially in the jury box and the traffic.	
2 Ashok, we were doing work in SharePoint, and then		2 A Yeah.	
3 the focus shifted to more .NET development. So as		3 Q Nothing else?	
4 we evolved, all of our requisition changed from		4 A No.	
5 SharePoint being a required qualification to a		5 Q Do you have any relatives or close friends	
6 desired, and .NET became required.		6 who are or were employed at Avia or Camber?	
7 Q And what's the relationship between this		7 A No relatives. I have friends.	
8 senior net developer requisition and the backfill		8 Q Anyone you regard as a close friend who	
9 of the Pai position? You said you believed it had		9 was employed at Camber or Avia?	
10 been posted as a junior net developer.		10 A I guess "close" is a subjective term. But	
11 A So I see this as like a sample .NET		11 yeah, I have some friends that I'm still in touch	
12 developer requisition, and the difference between		12 with that were employed at Avia and Camber, and	
13 senior and junior, or mid level, would be the		13 they're no longer there, actually.	
14 number of years of experience and maybe some of		14 Q Have you talked to any of them about	
15 the required qualifications would be lighter.		15 Mr. Pai?	
16 Q What is your work address and work phone		16 A No.	
17 number?		17 Q This case?	
18 A Today?		18 A No.	
19 Q Today, yes.		19 Q Your deposition?	
20 A Address is 3865 Wilson Boulevard,		20 A No.	
21 Suite 700, Arlington, Virginia, 22203. And the		21 Q Did they tell you anything about Mr. Pai?	
22 work phone number is (571) 224-9361.		22 A No. So Mr. Pai – you know, our team at	
	158		160
1 Q And your residential address is the same		1 EOIR was local to the Falls Church location, so	
2 location where the subpoena was served. Yes?		2 nobody outside of that knows the team or knows the	
3 A Correct.		3 individuals there. So it's kind of disconnected	
4 Q Do you have any plans to be out of state,		4 when you're at a client site.	
5 out of Virginia, in June, July, and August of this		5 Q Now, were there any e-mails that you have	
6 year?		6 reviewed recently that you didn't see amongst the	
7 A I may have vacation. Nothing defined at		7 exhibits today?	
8 this time.		8 A No. I think some of this stuff I had not	
9 Q Any plans to move out of Virginia in June,		9 seen, but I think most of the e-mails -- I mean, I	
10 July, or August of this year?		10 didn't see the overall -- is it the lawsuit	
11 A No.		11 document? I had seen that e-mail. We didn't look	
12 Q You indicated you had not had your		12 at it today.	
13 deposition taken before today. Correct?		13 Q Now, with respect to Mr. Myati's e-mail to	
14 A That's correct.		14 you on October 1st that we've already discussed,	
15 Q Have you ever testified in court under		15 "Please proceed with replacement of Ashok Pai from	
16 oath or penalty of perjury?		16 the .NET team at government's request," did you	
17 A I've been – you know, for traffic		17 ask him for that e-mail?	
18 tickets, I've gone to court a couple of times. I		18 A So I recall my conversation leading up to	
19 was on a jury one time.		19 it was that, you know, as I mentioned, over the	
20 Q You didn't testify when you were a juror?		20 last couple of years we had issues with his	
21 A No, I don't think so.		21 attendance and performance, and then I	
22 Q So your court experience was sitting		22 communicated to the client that he had decided to	

## Transcript of Atif Khalil

41 (161 to 164)

Conducted on March 27, 2018

	161		163
1 move out to California and we were going to -- he 2 essentially resigned and he was going to move out 3 of the program.		1 time --	
4 And then I think the two weeks later that 5 he had change of heart, change of plans, and my 6 understanding was that the government was not open 7 to a change at that point. They wanted him 8 replaced.		2 A Correct. 3 Q -- was that something that had been 4 discussed with EOIR before that was instituted?	
9 And as I was getting the items from HR, as 10 we saw in an e-mail, this was one of the options, 11 where I requested that if he's able to send me an 12 e-mail, that that would make things -- allow me to 13 proceed.		5 A So generally we didn't discuss specific 6 Performance Improvement Plans, but if it was -- 7 you know, the attendance issue would be visible to 8 them. So it may not have been discussed very, 9 very specifically, we didn't share the document 10 with them, but we may have told them that we're 11 proceeding to that level where we're issuing a 12 written plan.	
14 Q And how soon after you asked him for that 15 did you receive the October 1st e-mail?		13 Q You said "we may." Do you recall if you 14 did?	
16 A So if I recall correctly, so this is 17 Wednesday, so I think I discussed it with him on a 18 Tuesday weekly meeting and then the following day 19 he sent me the e-mail. This is Wednesday, the 20 date of that e-mail?		15 A I don't recall.	
21 Q His e-mail, yeah, Wednesday, October 1st, 22 2014, at 9:42 a.m.		16 Q Now, before the performance plan was put 17 on Mr. Pai, you and Mr. Jain had recommended that 18 he be terminated for cause. Yes?	
1 A So I must have talked to him about the 2 subject the day before at the Tuesday weekly 3 program review meeting.	162	19 A I don't recall exactly. It may have been 20 because of the unapproved leave.	
4 Q So it's your testimony that Mr. Myatt's 5 October 1st e-mail to you that morning resulted 6 from your weekly meeting Tuesday, September 30th, 7 a day before?		21 Q Did you come to an understanding of how 22 the recommendation to terminate Mr. Pai for cause	
8 A As best as I can recall.		164	
9 Q And is it your testimony, then, that that 10 request that you conveyed on the Wednesday to 11 Mr. Myatt was based, among other things, on 12 guidance you had gotten from HR?		1 regarding that leave thing, how that ended up in a 2 Performance Improvement Plan instead?	
13 A Yes.		3 A I don't recall exactly. But we must have 4 agreed to move forward with that plan instead of 5 termination.	
14 Q And was that guidance from HR, was that 15 anything other than the quoted sentence or so that 16 you sent back to Lisa saying, "feedback from 17 September" -- from the Friday before?		6 Q Was EOIR informed by you that Mr. Pai was 7 going to be terminated at that time?	
18 A That was it.		8 A I would not think so. Because once you 9 move to that step, it's difficult to convince them 10 to come back. And so I probably did not. So the 11 maximum I would have done is just notified that 12 we're putting him on a written plan so that 13 incident doesn't occur again.	
19 Q That was it.		14 Q Did EOIR express any frustration or 15 concern about Mr. Pai being absent from work while 16 attending the SharePoint conference in 2014?	
20 Now, with respect to the March 2014 21 Performance Improvement Plan placed upon Mr. Pai 22 while you were all employed under Avia at that		17 A I don't recall specifically. But in 18 general, I do recall that his attendance was a 19 point of frustration for the client.	
		20 Q Was his absence due to attending the 21 SharePoint conference a point of frustration 22 expressed to you by EOIR?	